



FINANCE (PAY CELL) DEPARTMENT

G.O. Ms. No. 446, DATED: 18th SEPTEMBER, 2007
(Servajith, Puratasi--1, Thiruvalluvar Aandu 2038)

Pension – Revision of pension in respect of those retired between 1—1—1996 and 30—06—1996 -- Implementation of Judgement Orders of the Hon'ble High Court dated: 09—03—2004 in W.P. No. 13333 of 2000 -- Orders – Issued.

READ :

1. G.O.Ms.No.174, Finance (PC) Department, dated: 21—04—1998.
2. G.O.Ms.No.500, Finance (PC) Department, dated: 16—09—1998.
3. G.O.Ms.No.740, Finance (PC) Department, dated: 09—12—1998.
4. G.O.Ms.No.200, Finance (PC) Department, dated: 18—05—1999.
5. G.O.Ms.No.199, Finance (PC) Department, dated: 15—05—2000.
6. Judgement Orders of the Hon'ble High Court dated 09—03—2004 in W.P. No. 13333 of 2000 as upheld by the Division Bench in its order dated: 11—06—2007 in W.A. No. 2886 of 2004.

ORDER: --

Based on the recommendations of the Official Committee, 1998, orders were issued in the Government Order first read above, revising the pension / family pension with effect from 1—1—1996. This revision has been given effect by classifying the pensioners into three categories as shown below :--

- i) Persons retired prior to 1—1—1996.
- ii) Persons retired in between 1—1—1996 and 30—06—1996.
- iii) Persons retired after 1—7—1996.

In the case of persons retired prior to 1—1—1996, their pension has been fixed by adding 148% of Dearness Allowance, Interim Reliefs--I and II, and 40% weightage on basic pension as on 31—12—1995 thereby deriving increased benefit over the old pension. In respect of persons retired after 1—7—1996, their pension has been fixed with reference to 50% of pay last drawn or 50% of average emoluments for the last 10 months whichever is advantageous. Consequently, they also happened to draw higher pension. However, in the case of persons retired between 1—1—1996 and 30—06—1996, their pension has initially been fixed in the pre-revised scale and again their pension has been re-fixed on the basis of the orders issued revising the scale of pay with effect from 1—1—1996. For these persons the pay has been revised on 1—1—1996 and pension has been fixed on the basis of the 10 months average emoluments. Consequently, the pension fixed on the basis of the revised

scale with effect from 1—1—1996 is lower when compared to the pension fixed earlier in the pre-revised scales during the above period. Therefore, revised orders were issued in the Government Orders second and third read above treating the difference in emoluments as **Personal Pension**.

2. In the Government Order fourth read above, orders have been issued revising the pension / family pension of those retired prior to 1—1—1996 and also of those who retired between “**1—1—1996 and 30—06—1996**” at the rate of 50% and 30% of the minimum of the time scale of pay applicable to the post last held by the employee / pensioner concerned as on 1—1—1996 and these orders were given effect from 1—4—1999.

3. In the Government Order fifth read above, orders were issued extending the benefit of the revised orders issued by the Government of India for computation of pension emoluments to Central Government employees who had retired during the period from 1—1—1996 to 30—09—1996 to the State Government employees who have retired between 1—1—1996 and 30—06—1996. In spite of the revised orders issued by Government from time to time, the main grievance of the employees retired between 1—1—1996 and 30—06—1996 was that the employees who retired prior to 1—1—1996 and after 1—07—1996 are drawing higher quantum of pension when compared to them.

4. Thiru V. Wilfred Rajanayagam and two others have therefore filed W.P. No. 13333 of 2000 praying the Hon'ble High Court to declare that the G.O. Ms. No.174, Finance(PC)Department, dated: 21—04—1998 read with G.O. Ms. No. 500, Finance(PC)Department, dated: 16—09—1998, G.O.Ms.No.740, Finance (PC) Department, dated 09—12—1998 and G.O. Ms. No. 200, Finance (PC) Department, dated: 18—05—1999 as unconstitutional and void with reference to the petitioners and consequently direct the respondent to grant the same rate of pension as is granted to the employees who retired before 01—01—1996 or after 01—07—1996 with all arrears of pension and other benefits with effect from 01—01—1996 to the petitioners. The Hon'ble High Court in its Order dated: 09—03—2004 in W.P. No. 13333 of 2000 has directed to grant the applicants the same rate of pension as is granted to the employees who retired before 1—1—1996 or after 1—7—1996 with all difference in arrears of pension and other benefits with effect from the date of their retirement. The Government filed a Writ Appeal against the above Judgement order.

5. The Hon'ble High Court in its Order dated: 11—06—2007 in W.A. No. 2886 of 2004 in W.P. No. 13333 of 2000 has passed orders to the effect that there is no infirmity in the order passed by the learned single judge so as to interfere with the same and the appellant herein is directed to implement the orders of the learned single judge passed in Writ Petition No.13333 of 2000 forthwith.

6. The Government has carefully examined the issue in detail and decided to implement the orders of the Hon'ble High Court to all employees who retired between 1—1—1996 and 30—6—1996. Accordingly, Government direct that the

orders of the Hon'ble High Court dated: 09—03—2004 in W.P. No. 13333 of 2000 as upheld by the Division Bench of Madras High Court in its Order dated: 11—06—2007 in W. A. No. 2886 of 2004 shall be applicable to all those employees who retired between 1—1—1996 and 30—06—1996 for the fixation of their pension by adopting the methodology of determination of pension for those who retired before 1—1—1996 or after 1—7—1996 with effect from the date of their retirement. The employees retired between 1—1—1996 and 30—06—1996 shall exercise option in the option form annexed to re-fix their pension whichever is advantageous to them.

7. The Pension Pay Officer / Treasury Officers / Sub-Treasury Officers concerned are requested to revise the pension of the retired employees based on the option exercised by them as ordered in paragraph 6 above and disburse the arrears amount to the pensioners concerned. In the case of pensioners who have died, the life time arrears shall be paid to the legal heirs on their claim by fixing the pension of such deceased pensioners following the methodology of determination of pension whichever is advantageous to them.

8. In respect of pensioners drawing pension under Public Sector Bank Scheme, the Banks concerned shall workout the revised pension and disburse the arrears amount to the pensioners concerned.

(BY ORDER OF THE GOVERNOR)

K.GNANADESIKAN,
SECRETARY TO GOVERNMENT.

To

All Secretaries to Government.

The Secretary, Legislative Assembly Secretariat, Chennai – 600 009.

The Comptroller, Governors Household, Raj Bhavan, Chennai—600 032.

The Secretary to the Governor, Chennai—600 032.

The Governor's Secretariat, Raj Bhavan, Guindy, Chennai- 600 032.

All Departments of Secretariat (OP) / Bills, Chennai—600 009.

All Heads of Departments.

All Collectors / All District Judges / All Chief Judicial Magistrates.

The Principal Accountant General (A&E), Chennai-600 018 (By Name)

The Principal Accountant General (A&E) Chennai- 600 018.

The Accountant General (Audit.I) Chennai-600 018(By Name)

The Accountant General (Audit.I) Chennai-600 018.

The Accountant General (Audit.II), Chennai-600 018 (By Name).

The Accountant General (Audit.II), Chennai-600 018.

The Accountant General (CAB), Chennai-600 009 / Madurai.

The Commissioner of Treasuries and Accounts, Chennai--600 015.

The Director of Pension, DMS Complex, Chennai--600 006.
The Pension Pay Officer, Chennai-- 600 006.
The Pay and Accounts Officer, Secretariat, Chennai—600 009.
The Pay and Accounts Officer,(South / North / East, Chennai-35 / 79 / 5).
The Pay and Accounts Officer, Madurai-625 001.
The Chairman, Tamil Nadu Public Service Commission, Chennai--600 002.
The Registrar General , High Court, Chennai-600 104.
The Registrar of all Universities in Tamil Nadu.
All State Owned Corporations and Statutory Boards.
The Commissioner, Corporation of Chennai / Madurai /Coimbatore/
Tiruchirapalli / Salem / Tirunelveli.
The Sub-Pay and Accounts Officer, Corporation of Chennai, Chennai – 600 003.
All Treasury Officers / Sub-Treasury Officers.
All Divisional Development Officers / Revenue Divisional Officers/ Tahsildars.
All Block Development Officers / Municipal Commissioners.
All Panchayat Union Commissioners / Chief Educational Officers.
The Project Co-ordinator, Tamil Nadu Integrated Nutrition Project,
No.570, Anna Salai, Chennai-18.

Copy to:

The Senior Personal Assistant to Minister for Finance, Chennai-600 009.
The Finance (Pension) Department, Chennai-9.
The Reserve Bank of India, Chennai--1.
The Reserve Bank of India, Department of Government and
Bank Accounts, Mumbai – 51 (75 Copies)
All Heads of Offices / Regional Offices of Public Sector Banks through
Director of Pension, Chennai-6.
The President, Tamil Nadu Retired Officials Association, D.P.I Complex, Chennai -6.
The President, Tamil Nadu Secretariat Retired Officers Association,
No.70, Medavakkam Tank Road, Kilpauk, Chennai-10.
The President, All India Federation of Pensioners' Association,
No.22, Kavarai Street, Saidapet West, Chennai-15.
The President, The Retired Teachers Association No. 12, Abayambalur,
Mayiladuthurai, Nagapattinam District.
The State President, All Bharat Confederation of Senior Citizens and Pensioners,
No.7. Bharathidasan Street, Avinasi-54, Coimbatore District.
The President, Government TANSI Retired Employees Association,
Plot No. 65, Thamarai Salai, Iyyappa Nagar, Pammal, Chennai-75.
The President, The Indian Officers Association, No.35, Thiru Vi Ka High Road,
Royapettah High Road, Chennai -14.
The President, Tamil Nadu Senior Citizens and Welfare Association,
No.38-B, First Main Road, Perumalpuram, Tirunelveli.
The President, Retired Officials Association, No.158, Bells Road, Chennai-5.

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Copy to:

Thiru V. Wilfred Rajanayagaam, Achan Kulam, Kottaram Post, Kanyakumari District.
Thiru M.George, No.1-98C, Melamankkarai, Manakkarai Post, Kanyakumari District.
Tmt S. Annammal, No.1-98C, Melamankkarai, Manakkarai Post,
Kanyakumari District.
Stock File/Spare Copies.

// Forwarded / By Order//

SECTION OFFICER.

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ANNEXURE

**FORM FOR EXERCISING OPTION FOR RE-FIXATION OF
PENSION WITH REFERENCE TO
G.O. Ms. No.446, FINANCE (PAY CELL) DEPARTMENT, DATED: 18--9--2007.**

I,holder of P.P.O.No..... retired ondo hereby opt to re-fix my pension adopting the methodology of determination of pension applicable to those who retired before 1—1—1996 / after 1—7—1996 with effect from the date of my retirement.

2. The option hereby exercised is final.

Date:

Signature of the Pensioner.

*** Strikeout whichever is not applicable**