

GOVERNMENT OF HARYANA

FINANCE DEPARTMENT

OFFICE MEMORANDUM

No. 2/14/2009-1 Pension

Dated 10th July, 2009.

Subject: Implementation of Revised Pension Rules (Part I & II) 2009 regulating the pension/family pension and related pensionary benefits entitlements – Clarifications regarding.

Sir,

I am directed to invite your attention to the subject cited above and to say that certain difficulties faced by different quarters in implementation of the provisions of the Haryana Civil Services (Revised Pension) Part I Rules, 2009 and Haryana Civil Services (Revised Pension) Part II Rules, 2009 were reported seeking clarifications on certain issues.

2. Accordingly on a careful consideration, following clarifications are made in terms of rule 17 of the Haryana Civil Services (Revised Pension) Part I Rules, 2009 and/or, as the case may be, in terms of rule 20 of the Haryana Civil Services (Revised Pension) Part I Rules, 2009 respectively:

II. Rule 6 of Revised Pension Rules (Part I), 2009 – pre 1.1.2006 retirees.

The rule 6 provides: 'the revised entitlement of pension shall be subject to the provision that the revised entitlement of pension so worked out shall, in no case, be lower than fifty percent of the minimum of the pay in the pay band plus Grade Pay in the corresponding revised scale in terms of Haryana Civil Services (Revised Pay) Rules, 2008, or as the case may be, Haryana Civil Services (Assured Career Progression) Rules, 2008, to the pre-revised pay scales from which the pensioner has retired'.

A list of 'corresponding scales' prior to 1.1.1996, after 1.1.1996 and after 1.1.2006 has been appended as Annexure – I.

- (a) Clarification has been sought as to what happens if old scales of retirees are not available with the disbursing authorities (Banks and Treasuries)? and
- (b) In cases where the scales of the post from which the employee retired has been revised upwards after the employee retired, whether with effect from any date after 1.1.1986 the 'corresponding upwards revised pay scale' is to be taken into account for the purposes of this rule?

Clarification

- (a) Though the 'existing scale of pay' in which the retiree was drawing his pay prior to retirement might be available in the PPO, in all such cases where a difficulty on this account is faced, the disbursing authorities are advised to seek the information from the concerned Head of Department to obtain the necessary information.
- (b) The entitlement of pension has no correlation with the subsequent upward revision of pay, if any, or for that matter the 'current or subsequent scale of pay of the post from which the employee retired' and is to be relatable only to the 'pay' drawn in the 'admissible scale of corresponding pay' at the time when the

employee retired and pension was sanctioned. Thus the relevant scale of pay as mentioned in column 2 and 3 of Annexure I shall correlate independently with the figures mentioned under columns 4 to 8 without any other intermediate extrapolations on any account with reference to the 'scale of pay' in which the retiree was drawing his pay just prior to his retirement, death, etc.

II. Rule 9.1 of Revised Pension Rules (Part I), 2009 – pre 1.1.2006 retirees and Note (ii) below rule 10 of Revised Pension Rules (Part II), 2009.

Rule 9.1 provides that 'The Accountant General (A&E) shall ensure that the date of birth of the pensioner/family pensioners is invariably indicated in PEN-1 and the Pension Payment Order (PPO) to facilitate payment of additional pension/family pension by the Pension Disbursing Authority as soon as it becomes due'.

Clarification has been sought as to what would happen in such cases where the Pension Sanctioning Authority only indicates/indicated the approximate age of the family pensioner or where in the old PPOs the date of birth of the family pensioners have not been indicated at all?

Clarification/direction

- (a) Henceforth, the Pension Sanctioning Authority shall obtain the details on this count along with proof thereof and include the same in the order/documents whenever pension is sanctioned by them.
- (b) In all existing/old cases where the PPO is deficient on this account, whenever the Pension Disbursing Authority happens to be the Treasury Officer/Assistant Treasury Officer, on the next visit of the pensioner/family pensioner to them while collecting their pension, these information, along with supporting proof, would be obtained from them and included in the documents appropriately and whenever the Pension Disbursing Authority happens to be a bank, it shall seek information from the concerned Head of Department or, as the case may be, from the Pension Sanctioning Authority, who shall furnish the information along with supporting document at the earliest.

III. Rule 4 read with rule 8 of Revised Pension Rules (Part II), 2009 – post 1.1.2006 retirees.

Clarification has been sought that in the rule 4, only the unqualified term 'emoluments' has been mentioned and rule 5 defines only the term 'Pay' without clarifying as to whether for determining the 'entitlement of pension', 'Last Pay' alone is to be taken into account or, alternatively, the 'average emoluments of 10 months preceding the date of retirement for pensioners retiring between 1.1.2006 and 30.11.2007' is also to be taken into consideration on 'whichever is beneficial to the pensioner' basis.

Clarification

- (a) Haryana Rules does not include any additional condition enabling the retiree to choose from the 'last pay' and 'average emoluments of 10 months preceding the date of retirement' on whichever is beneficial basis. Thus the entitlement of pension shall be worked out as per the existing rules and procedure without presuming any such additional provision being in place.

- (b) Wherever a cause may so arise that it becomes necessary to refer to the emoluments drawn in pre-revised structure after 1.1.2006, the corresponding 'pay' would mean and include: (i) Basic pay plus Dearness pay actual D.A. appropriate to the basic pay at the rates in force on 1.1.2006; and (ii) Notional increase of the basic pay by applying the fitment benefit of 40% on the corresponding basic pay in the pre-revised scale of pay.
- (c) Wherever a cause may so arise that it becomes necessary to refer to the emoluments drawn in pre-revised structure prior to 1.1.2006, the corresponding 'pay' would mean and include: (i) Basic pay plus Dearness pay actual D.A. appropriate to the basic pay at the rates in force on the relevant date.

IV. Rule 8 of Revised Pension Rules (Part II), 2009 – post 1.1.2006 retirees.

Rule 8 provides that the linkage for full admissibility of the pension has been reduced to 28 years from 33 years and in the event of qualifying service falling short of the said 28 years, the sanctioned pension shall be the proportionate value of the full pension.

Clarification has been sought as to how the proportionate value of the admissible pension is to be worked out?

Clarification

- (a) It needs to be borne in mind that general retrospective-ness has not been authorized to the applications of provisions of the Revised Pension Rules (Part II), 2009, and, accordingly the reduction in terms of qualifying service to the said 28 years shall apply prospectively i.e. only in cases of such of eligible employees/pensioners who retires/becomes eligible to pensionary benefits on or after 17.4.2009. For such of the eligible beneficiaries who retires/becomes eligible before 17.4.2009, the qualifying service for full pension benefit shall continue to be 33 years.
- (b) The calculation of ratio of proportionate admissibility of the pension in all such cases where the said qualifying period of full pension benefits have been so reduced to 28 years shall be made in the manner specified below:
- (i) In cases of qualifying service being 28 years or above: '56/112'.
- (ii) In cases where the actual qualifying service falls short of 28 years but happens to be more than 10 years: '*Number of qualifying service in half years (HY)*'/112 i.e. 50 HY/112 or 46 HY/112, etc.

V. Rule 11 of Revised Pension Rules (Part II), 2009 – post 1.1.2006 retirees.

Rule 11 provides that the maximum limit of death-cum-gratuity (DCRG) benefits shall be Rs. 10 lakhs (as against existing Rs. 3.5 lakhs).

Clarification has been sought as to whether the qualifying service for availing the full benefit here would continue to be 33 years (or 35 years for Group D employees) or even it shall stand reduced to 28 years?

Clarification

Rule 11 does not reduce the qualifying service for availing the full benefits of DCRG and only enhances the limits and, therefore, the qualifying service for availing the full benefit here would continue to be 33 years (or 35 years for Group D employees).

VI. Rule 15 of Revised Pension Rules (Part II), 2009 – post 1.1.2006 retirees.

Rule 15 refers to the revised commutation table and provides that it shall become absolute after the date of notification (notifying the Rules).

Clarification has been sought as to what process would be adopted for finalizing the cases where the employee retired before the date of issue of the said notification, but the cases were received in the A.G. office after the date of notification.

Clarification

Rule 11.11 of CSR Volume II prescribes that 'the commutation of pension shall become absolute **on the date the application is received by the Head of Office**. Therefore in all such cases where the application was received by the Head of Office before the date of notification, irrespective of when it was received in the office of A.G.(A.&E.), commutation shall be first allowed on the basis of un-revised commutation table and, thereafter, the amount of pension that has become additionally commutable on account of retrospective revision of pay/pension shall be admissible based on the revised table of commutation.

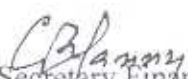
VII. GENERAL CLARIFICATIONS

Clarification has been sought to the effect that henceforth, in such cases where the qualifying service for eligibility to full pension has been reduced to 28 years, whether the dispensation available to the employees seeking voluntary retirement to add up to 5 years in the qualifying service in addition shall be available or not?

Clarification

There has been no change in the conditions regulating the voluntary retirement as a consequence to the Revised Pension Rules and accordingly such a dispensation to the employees seeking voluntary retirement to add up to 5 years in the qualifying service in addition towards the qualifying service for the purposes of pension entitlement shall continue to be available subject to other conditions, including conditions prescribed in Rule 5.32-B, CSR Volume-II, made in this regard.

3. These clarifications should be brought to the notice of all concerned for strict compliance and taking such appropriate measures that are required/warranted.

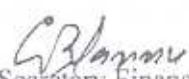

Under Secretary Finance (Pension)
for the Financial Commissioner & Principal Secretary
to the Govt. Haryana, Finance Department.

Endst. No. 2/14/2009-1Pension

Dated: 10.7.2009.

To,

1. All the Financial Commissioners & Principal Secretaries/ Administrative Secretaries to Government of Haryana.
2. Registrar (General), the High Court of Punjab & Haryana.
3. All the Divisional Commissioners in Haryana.
4. All the Heads of Department, Haryana.



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to the Government of Haryana, Finance Department.

Endst. No. 2/14/2009-1Pension

Dated: 10.7.2009.

A copy is forwarded to the following for information and necessary action at their end:

- i. Accountant General (A&E/ Audit), Haryana along with 50 spare copies with reference to his letter No. Pen-1/09-10/Pension/Revision/431 dated 26.5.2009.
- ii. Director, Treasury & Accounts, Haryana (with 150 spare copies) for information to all Treasuries/Sub Treasuries and for the endorsement to all Treasury Banks disbursing Pension/Family Pensions.
- iii. State Bank of India in its Centralised Pension Processing Centre, SCO No. 27-28, Top Floor, Sector 7-C, Chandigarh with reference to his letter Note No. CPPC/RB/337 dated 15.5.2009.


Under Secretary Finance (Pension)
for the Financial Commissioner & Principal Secretary
to the Government of Haryana, Finance Department.

INTERNAL CIRCULATIONS

- i. All the Officers/ Deputy Secretaries/ Under Secretaries/ Superintendents of F.D.
- ii. In charge, Computer Cell (F.D.)