

F.No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003

Dated the 18th November, 2009.

OFFICE MEMORANDUM

Subject:- Revision of pension on the recommendations of the Pay Commission – Applicability of the judgement of Hon'ble Supreme Court in CA No. 5566 of 2008 in the case of Civil pensioners .

In the judgement dated 9.9.2008 in **CA No. 5566 of 2008 (SLP (Civil) No. 12357 of 2006) - UOI vs. Maj. Gen. SPS Vains** Hon'ble Supreme Court has directed that the pay of all pensioners in the rank of Major General and its equivalent rank in the two other Wings of the Defence Services be notionally fixed at the rate given to similar officers of the same rank after the revision of pay scales with effect from 1.1.1996, and, thereafter, to compute their pensionary benefits on such basis with prospective effect from the date of filing of the writ petition.

2. Some representations have been received in this Department pensioners/pensioners' associations suggesting that the pension of pensioners who retired from the civil departments and who, before their retirement, were governed by the CCS(Pension) Rules, 1972 may be revised by applying the ratio of the aforesaid judgement of the Apex Court. These representations/references have been examined in consultation with Ministry of Finance and Ministry of Law.

3. The undersigned is directed to say that the judgement dated 9.9.2008 in **CA No. 5566 of 2008 (SLP (Civil) No. 12357 of 2006) - UOI vs. Maj. Gen.SPS Vains** will not apply in the case of pensioners who retired from the civil departments and who, before their retirement, were governed by the CCS(Pension) Rules, 1972.

4. All references/representations received in this Department on the above issue stand disposed off accordingly.


(Raj Singh)
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To

All Pensioners' Associations in the mailing list

Please visit: <http://pensionersportal.gov.in>