

No. 36-06/2008-Pen(T)
Government of India
Ministry of Communications & IT
Department of Telecommunications

New Delhi, dated the 29th June, 2010.

To

All Controller/Joint Controller of Communications Accounts,
DoT Cell

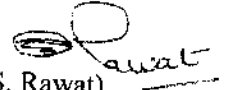
Subject: Regulation of pension and other retirement benefits of Government servants who were on Extraordinary leave/unauthorized absence/suspension as on 1.1.2006 and retired/died thereafter without joining duty.

Sir,

The undersigned is directed to forward herewith a copy of the Department of Pension and Pensioners' Welfare's O.M. No. 38/37/08-P&PW(A) dated 15th June, 2010 on the above subject for information and necessary action.

Hindi version will follow.

Yours faithfully,



(R.S. Rawat)

Under Secretary (STP)
Tele No. 2303 6854

Encl: as above.

To

1. PS to MoC & IT/MOS(C&IT)
2. Sr.- PPS to Secretary (T)/Chairman, Telecom Commission, New Delhi.
3. All Members/Advisors/Addl. Secretary/DDGs/JS, DoT, New Delhi.
4. DDG(Accounts) with the request that the copies of the Oms may also be circulated to all pension disbursing post offices through the respective Directorates of Postal Accounts.
5. CMD, BSNL Corporate Office, Bharat Sanchar Bhavan, New Delhi.
6. CMD, MTNL, New Delhi.
7. CMD, TCIL, New Delhi.
8. Sr. DDG, TEC, Khursid Lal Bhawan, New Delhi.
9. ED, C-DoT/Director, WMO, New Delhi.
10. All Controller/Joint Controllers of Communication Accounts, DoT
11. Section Officer, Pay Bill/Cash/PAO, DoT, New Delhi.
12. All Telecom Enforcement Resources Monitoring (TERMS)
13. All recognized Unions/Associations/Federations, DoT, New Delhi.
14. Director (IT) (Shri Manish Kumar Vimal, Director) with the request to post this circular on the website of DoT.
15. DDG(Estt), BSNL Co. Office, New Delhi.
16. AO(PFP)
17. Internal Audit Wing
18. Hindi Section with the request to furnish the Hindi Version of the OM to upload in the website.
19. All dealing hands in Pension Section.

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

Lok Nayak Bhawan,
Khan Market, New Delhi-110 003
Dated 15th June, 2010

OFFICE MEMORANDUM

Sub: Regulation of pension and other retirement benefits of Government servants who were on Extraordinary leave/unauthorised absence/suspension as on 1.1.2006 and retired/died thereafter without joining duty

The undersigned is directed to say that in accordance with Rule 33 of the CCS (Pension) Rules, for calculation of pension, the expression 'emoluments' means basic pay as defined in Rule 9 (21) (a) (i) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death. In accordance with Note 3 under this rule, if a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

2. Doubts have been raised in regard to the manner in which the pension and other retirement benefits of Government servants, who were on extraordinary leave/unauthorised absence/suspension as on 1.1.2006 and retired/died thereafter without joining duty, would be regulated. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure) and the following clarifications are issued:

Category of Government servant	Manner in which pension and other pensionary benefits are to be regulated
Government servant, who was on extraordinary leave/unauthorised absence - the period whereof does not count as qualifying service - as on 1.1.2006 and retired/died thereafter without joining duty.	<p>In accordance with Rule 33 of CCS(Pension) Rules, 1972, the basic pay which he drew immediately before proceeding on such leave, shall be the emoluments for the purpose of pension. The pension/family pension thus calculated will be revised in accordance with the instructions contained in this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 and will be paid to the pensioner/family pensioner from the date it becomes due.</p> <p>For the purpose of gratuity, the emoluments shall also include Dearness Allowance admissible on the date of retirement/death of the Government servant.</p> <p>The pension/family pension/commutation of pension and gratuity will be regulated in accordance with the rules/instructions applicable before 1.1.2006.</p>

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<p>Government servant, who was on extraordinary leave – the period whereof counts as qualifying service – as on 1.1.2006 and retired/died thereafter without joining duty.</p>	<p>The pay of such a Government servant will be notionally revised w.e.f. 1.1.2006 and this notionally revised basic pay will be reckoned as emoluments for the purpose of pension.</p> <p>For the purpose of gratuity, the emoluments shall also include Dearness Allowance admissible on the date of retirement/death of the Government servant.</p> <p>His pension/family pension, commutation of pension and gratuity will be regulated in accordance with the instructions contained in this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 and will be paid to the pensioner/family pensioner from the date it becomes due.</p>
<p>Government servant, who was under suspension as on 1.1.2006 and retired thereafter without joining duty.</p>	<p>Such a Government servant, on retirement, is entitled to only provisional pension. The emoluments which he drew immediately before suspension shall be the emoluments for the purpose of provisional pension. This provisional pension will not be revised until the conclusion of the departmental/judicial proceedings and issue of final orders thereon.</p>

3. These orders issue with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. C-33/EV/2010 dated 13.5.2010

4. In their application to the persons belonging to Indian Audit and Accounts Department these orders issue in consultation with the Comptroller and Auditor General of India.


(Tripti P. Ghosh)
Director

1. All Ministries/Departments
2. CGA/CAG/CPAO
3. As per standard mailing list

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