

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)

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No.2010/F(E)III/1(1)/6

New Delhi, dated 03.01.2012.

The General Secretary,  
AIRF,  
4, State Entry Road,  
New Delhi -110055.



Dear Sir,

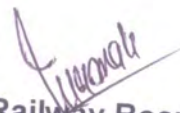
**Sub: Additional gratuity for pre-1996 retirees.**

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I am directed to refer to your letter No.AIRF/44/2011(312) dated 14.11.2011 on the above subject and to state that DOP&PW vide their O.M.No.38/42/2005 – P&PW(F) dated 17.02.2005, circulated <sup>vide</sup> Board's letter No.F(E)III/2000/PN1/57-Vol.II dated 18.03.2005(Copy enclosed) have clarified that the O.M.No.45/86/97 – P&PW(A) Pt. I dated 04.12.2004, quoted in various representations, purported to have been issued by them in pursuance of the Supreme Court judgement for payment of additional gratuity to pre-1996 retirees, has not been issued by DOP&PW. It has also been stated by <sup>the</sup> DOP&PW that the content of the O.M. dated 04.12.2004 is in fact a portion of their O.M. dated 04.12.2001 bringing out certain modifications to O.M. dated 27.10.1997. In O.M. dated 27.10.1997, the Government, consequent upon acceptance of the 5<sup>th</sup> CPC recommendations, inter-alia, prescribed that 100% DA be added to the pay and on this the retirement/death gratuity be calculated. This was made effective from 01.01.1996. It did not change any provisions regarding percentage on DA for those who retired before 01.01.1996. Vide O.M. dated 04.12.2001, it was clarified that for calculation of all types of gratuity (retirement/death/service gratuity), DA admissible at the time of retirement/death, retiring/dying on or after 01.01.1996, will be treated as emoluments. Hence prior to 01.01.1996 only basic pay was reckoned as emoluments for computation of gratuity. It has not been agreed to extend the benefits to pre-1996 retirees. Neither the Government has taken any decision nor have the DOP&PW issued any instruction for reckoning of DA as emoluments for calculating all types of gratuity of Railway Servants, who retired/died prior to 01.01.1996.

Yours faithful

D.A.:One

  
for Secretary/Railway Board.



R.B.E. No. 47/2005

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
RAILWAY BOARD.

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No. F(E)III/2000/PN1/57-Vol. II

NEW DELHI

Dt. 18.03.2005

The GMs/ FA&CAOs,  
All Indian Railways/Production Units,  
(As per Mailing List).

**Sub:** Payment of difference of gratuity to pre-1996 Central  
Government Pensioners – clarification regarding.

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A copy of Department of Pension & Pensioners' Welfare's O.M. No. 38/42/2005-P&PW(F) dated 17<sup>th</sup> February, 2005 on the above referred subject, is enclosed for information and guidance of the Railways.

2. Department of Pension & Pensioners' Welfare OMs dt. 4.12.2001 and 18.2.2003 referred to in the DOP&PW's enclosed OM dt. 17.2.2005, have been adopted/circulated on the Railways vide Board's letters No. F(E)III/97/PN1/22 dated 25.2.2002 and No. F(E)III/2000/PN1/57 dated 20.5.2003 respectively.

3. Please acknowledge receipt.

4. Hindi version is enclosed.

  
(S.SREERAM)  
Dy. Director Finance (Estt.)III.,  
Railway Board.

DA: As above.

No. F(E)III/2000/PN1/57-Vol. II

NEW DELHI

Dt. 18.03.2005

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No. 224, Railway Bhavan, New Delhi (40 spares).

  
(S.SREERAM)  
for Financial Commissioner/Railways.



No. 38/42/2005-P&PW (F)

भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, PG & Pensions

पेंशन और पेंशन भोगी कल्याण विभाग

Department of Pension & Pensioners' Welfare

तीसरा तल, लोक नायक भवन

नई दिल्ली-110003

दिनांक 17 फरवरी 2005

OFFICE MEMORANDUM


Subject: Payment of difference of Gratuity to pre-1996 Central Government Pensioners - clarification regarding.

The undersigned is directed to say that a number of representations have been received seeking confirmation whether in pursuance of Supreme Court Judgement, vide this Department's OM No. 45/86/97-P&PW (A) Pt. I dated 04.12.2004; pre-1996 pensioners have been made eligible for receiving additional gratuity. They have asked the concerned pensioners to apply to their respective Departments by furnishing details of PPO number, date of retirement, Bank details etc. It also contains a portion of the OM purported to have been issued by this Department but does not indicate the name of Officer under whose signature it has been issued.

2. In view of the above, the factual position in the matter is as under:

(i) This Department has not issued any OM on 4.12.2004 granting additional gratuity to pre-1996 pensioners as there is no such Supreme Court Judgement in that respect; and

(ii) The extracts of OM reproduced by them purported to have been issued on 4.12.2004 is in fact a portion of this Department's OM dated 4.12.2001 bringing out certain modifications to OM dated 27.10.1997. In that OM, the Government consequent upon acceptance of the 5<sup>th</sup> Pay Commission recommendations, inter-alia, prescribed that 100% of DA be added to the pay and on this the retirement/death gratuity be calculated. This was made effective from 1.1.1996. It did not change any provisions regarding percentage on DA for those who retired before 1.1.1996. Vide OM dated 4.12.2001 the Government clarified that the addition to DA for calculation of gratuity would be applicable for calculation of all types of gratuities like death/ retirement/ service gratuity. In this OM also there is no change in other provisions of OM dated 27.10.1997 including the cut-off date of 1.1.1996. This was further clarified vide para (ii) of OM dated 18.2.2003. Hence, prior to 1.1.1996, only basic pay was reckoned as emoluments for computation of gratuity. It has not been agreed to extend the benefits to retirees prior to 1.1.1996 as for grant of any benefit, prescription of a cut-off-date is essential keeping in view various constraints including financial constraints.

  
( M.P. Singh )  
Director (P1)  
Tel. 24624802

To

1. 'persmin.nic.in' - website of the Ministry of Personnel, PG & Pensions
2. All Ministries/Departments of Government of India
3. Copy to C&AG
4. Controller General of Accounts
5. Controller of General of Defence Accounts
6. As per standard mailing list.

ARF/44/2011

14/11/2011

The E.D.F. (Estt.),  
Railway Board  
New Delhi.

Dear Sir,

Sub : Additional gratuity for Pre-1996 retirees.

Please refer to Department of Pension and Pensioner's Welfare's OM NO. 45/86/97-P&PW(A) dt. 4/12/2004 ( copy enclosed ) regarding implementation of Govt. decision on the recommendation of Vth CPC-revision of provisions regulating pension.

Finance Directorate of Ministry of Railways may please clarify as to whether instructions corresponding to amendments made by the Deptt. of P&PW have been issued to Zonal Railways. If so, a copy of the same may please be made available to this office.

DA/As above.

Yours faithfully,



( S.G.Mishra )  
General Secretary