

# **APPLICABILITY OF 33 YEARS OF QUALIFYING SERVICE** **FOR FULL PENSION**

**--- An Analysis by Shri S Ratnasubramanian, Assistant General Secretary, AIBSNLREA, CHQ.**

**Ref: DoT order dated 15<sup>th</sup> February 2017**

33 years of service required for full pension was changed w.e.f. 01-01-2006. Full pension was made eligible for service of 20 years/10 years (in case of BSNL absorbed). The pro rata concept of pension was dispensed with. But this was given effect to w.e.f. 01-01-2006 only. This was given effect to in case of BSNL absorbed pensioners as well.

The pension for those who retired prior to 2006 is given on pro rata basis if they had put in a service of less than 33 years. Therefore, while revising their pension, since the pension revision is based on their pre-revised pension, they continued to get less pension. Due to this some of them who had rendered less than 33 years and retired prior to 2006 got lesser pension than the minimum pension ie. 50 % of the minimum pay of the revised pay scale, in the revised pension also.

This was changed vide DoP order dated 06/04/2016 that while revising the pension of pre -2006 pensioners the revised pension should be fixed at a minimum of 50 % of the minimum pay of the revised pay scale.

However the subject matter given in the DoP&PW OM dated 06/04/2016, it was mentioned as "revision of pension pre -2006 pensioners – delinking of revised pension from qualifying service of 33 years." See below:

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

3<sup>rd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003.  
Dated the 06<sup>th</sup> April, 2016

## **OFFICE MEMORANDUM**

**Sub:- Revision of pension of pre-2006 pensioners – delinking of revised pension from qualifying service of 33 years.**

So it was thought that the delinking of revised pension from qualifying service of 33 years had been extended to pre 2006 pensioners as well, whereas the details in the said DoP&PW OM only referred to minimum pension.

So for those who have retired prior to 2006 and have got more than the 50 % of the minimum pay of the revised pay scale, despite their putting in less than 33 years of service and getting pro-rata pension, delinking has not been applied to.

Even for those who have got less than the minimum pension in the revised pension there has been no delinking of service eligibility of 33 years. Their pension has been just stepped up to minimum pension being 50 % Of minimum pay of the revised pay scale.

As such there is no delinking of qualifying service of 33 years for pre 2006 pensioners.

The confusion was created by the subject matter given as “Revision of pension for pre -2006 pensioners - delinking the revised pension from qualifying service of 33 years” in the said DoP&PW OM dated 06/04/2016.

I have verified the various Court cases on this issue. It seems that all these cases relate to those drawing revised pension being less than the minimum pension or the issues covered are specific to the CDA scale with basic pay + grade pay.

The case of CAT Ernakulam on whose verdict the said order of DoP dated 0/04/16 had been issued has been filed by one pre-2006 CDA pensioner that his pension has been revised and is given less than minimum pension of the revised scale.

Those who retired prior to 2006 were given pro-rata pension if they had rendered less than 33 years of service they may fall into two categories.

- (i) That their pre revised pension was less than 50 % of the minimum pay of the pre revised scale due to grant of pro rata pension. (Those retired with their pay at the early stages in the pay scales and/or having put in very less years of service)
- (ii) Those whose pre revised pension was more than 50 % of the minimum pay of the pre revised scale despite their getting pro rata pension. (Those retired with their pay at the later stages of the pay scales and/or putting in very near to full service of 33 years)

According to the DoP&PW OM dated 6.4.2016, the pension will get stepped up only for those who are covered under category (i). The judgement of the various CATs is in respect of the (i) category persons only. As far as those covered by 2<sup>nd</sup> category it seems there is no court case or order specific to them.

Even in the case of those covered vide category (i) their pension gets revised and is just stepped up to minimum pension i.e. being 50 % of the minimum pay of the revised pay scale. This does not in reality delink the requirement of 33 years of service for pre -2006 pensioners as mentioned in the subject of the DoP&PW OM dated 06/04/2016.

Since as stated by DOT letter 15<sup>th</sup> Feb 2017, the pension revision order 15/03/2011 for absorbed BSNL pensioners did not mention about any pro-rata reduction below the minimum pension of 50 % of the minimum pay as revised pension for those who had retired prior to 2006 serving less than 33 years and got pro rata pension, the question of applicability of DoP&PW OM dated 06/04/16 does not arise.

Therefore, there is no decision delinking of qualifying service of 33 years for pre 2006 pensioners both for CDA pensioners or BSNL absorbed IDA pensioners.

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