

(C O P Y)

NO.28/2/85-P&PW
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PENSION & PENSIONER'S WELFARE,
6TH FLOOR, NIRVACHAN SADA, ASHOK ROAD,
NEW DELHI.

Dated 22nd February, 1988

OFFICE MEMORANDUM

Subject : Mobility of personnel between Central Government Departments and Autonomous Bodies – Counting of Service for Pension.

1. The undersigned is directed to say that vide para 7 of the instructions issue vide the Department of Personnel & Administrative Reforms O.M. NO.28/1084-Pension Unit, dated 20th August, 1984 on the above subject these instructions are effective from the date of issue i.e. 29th August, 1984. It is further stipulated therein that the revised policy as enunciated thereunder would be applicable to those employees who retired from Government/Autonomous Body service on or after the issue of these orders.

2. It has been held by the Supreme Court of India in its judgement dated 12th August, 1987 in Writ Petition No.3732 of 1985- case of Shri R.I. Marwaha vs. Union of India and others, the paragraph 7 of the Govt. order cannot be used against person in the position of the petitioner to deny them the benefit of the past service for purposes of computing the pension.

3. The question regarding implementation of the Supreme Court Judgement has been under consideration of the Government. The President has now been pleased to decide that the benefit under the instruction contained in the orders dated 29.8.1984 should also be extended to all those who had retired prior to the issue of the said orders and who are otherwise eligible for the benefit of counting of service thereunder.

4. The arrears of pension, if any, which become due to the concerned pensioners, would be disburse them with effect from 29.8.1984 that is the date of the Government order only and that they would not be entitled to get any relief in respect of the period prior to 29.8.1984.

5. All the Ministries/Departments/Autonomous Bodies may review the case of such pensioners on receipt of the requests.

6. In their application to pensioners who retired from Indian Audit and Accounts Department, these orders have been issued after examination with the Comptroller of Auditor General of India.

7. Hindi version will follow.

Sd/-
(A.K. Pataik)
Deputy Secretary to the Govt. of India.

To

All Ministries/Departments of the Government of India.