

**No.4/38/2008-P&PW(D)**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS**  
**DEPARTMENT OF PENSION & PENSIONERS WELFARE**

LOK NAYAK BHAVAN, KHAN MARKET,  
NEW DELHI, dated the 17.9.2009, 2009.

**OFFICE MEMORANDUM**

**Subject:** -Representations on method of revision of restorable 1/3 commuted portion of pension consequent to 6<sup>th</sup> Pay Commission recommendations in respect of Govt. Servants who had drawn lump-sum payment on absorption in public sector undertaking/autonomous bodies - **regarding.**

This Department has been receiving representations on the above noted subject. In this regard, the undersigned is directed to state that the Government had issued instructions on restoration of 1/3rd commuted portion of pension in respect of Government servants who had drawn lump sum payment on absorption in public sector undertaking/autonomous bodies implementing the Andhra Pradesh high Court judgement dated 24.12.03 in Writ Petition No.8532 of 2003 followed by the Supreme Court judgement dated 29.11.08 in Civil appeal No.5269 of 2006 arising out of SLP Nos.21647-648 of 2005 and the Supreme Court judgement dated 24.7.2007 in Review petition No.643 of 07 vide O.M.No.4/79/2006-P&PW(D) dated 6.9.2007 in consultation with Ministry of Law & Justice and Ministry of Finance (Deptt. of Expenditure). It was further clarified vide OM dated 13.5.08. In pursuance of Government's decision on the recommendations of Sixth Central Pay Commission, instructions have been issued for revision of 1/3<sup>rd</sup> restorable pension of such absorbees vide Deptt. of Pension & Pensioners Welfare's OM of even No. dated 15<sup>th</sup> September 2008 followed by OM dated 27.5.2009.

2. The formula for arriving at 1/3<sup>rd</sup> restorable pension in the OM dated 15.9.2008 is on the same lines which the Hon'ble Court has prescribed in the above mentioned judgement as the revision of restorable pension of such absorbees is governed by the Hon'ble Court judgement mentioned above. It is pertinent to mention that pension (full pension on which DR etc. are paid) in respect of this class of pensioners is revised as per instructions for any other pensioner, as it is not regulated by Hon'ble Court order. So far as instructions contained in O.M. dated 27.5.2009 are concerned this has been issued so as to protect this class of pensioners in case there is loss in 1/3<sup>rd</sup> restorable pension plus DA w.r.t. pre-revised 1/3<sup>rd</sup> restorable pension plus DP plus DR.

3. All references/representations received on this subject stand disposed off accordingly.

4. Hindi version will follow.

  
(Raj Singh)  
Director

To  
All Ministries /Departments as per mailing list.

Copt to : 1. NIC for putting it up on Web Site.  
2. Hindi Section for Hindi version

22 SEP 2009