

S.No. 2(E)

No.28/30/2004-P&PW (B)

भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances & Pensions

पेंशन और पेंशन भोगी कल्याण विभाग

Department of Pension & Pensioners Welfare

3rd Floor Lok Nayak Bhavan,
New Delhi-110 003, the 26th July 2005.

OFFICE MEMORANDUM

Subject:- Counting of past service on submission of technical resignation on or after 1-1-2004 by employees governed by Central Civil Services (Pension) Rules, 1972.

The various Ministries/Departments/Autonomous bodies have been seeking clarifications from this Department whether the employees appointed on or before 31-12-2003, who were governed by old pension scheme under the Central Civil Services (Pension) Rules, 1972, will be eligible for counting of their past service under Rule 26(2) of the said rules or under the provisions of the DP&AR's O.M.No.28/10/84-PU dated 29-8-1984, as amended from time to time, in the situation where such employees submit technical resignation, on or after 1-1-2004 to take up new appointment in the new Ministry/Department/Central Autonomous Body.

2. The matter has been considered in consultation with the Ministry of Finance and it is clarified as follow:

- (i) All the employees who entered into Central Government service or in the service of an Autonomous Body set up by Central Government (satisfying the conditions laid down in para-4 of O.M. dated 29-8-1984), on or before 31-12-2003 and who were governed by old pension scheme under the Central Civil Services (Pension) Rules, 1972, will continue to be governed by the same pension scheme and same rules, for the purpose of counting of their past service under the said rules or under the provisions of the DP&AR's O.M.No.28/10/84-PU dated 29-8-1984, as amended from time to time, if such employees submit technical resignation on or after 1-1-2004, to take up new appointment in another Ministry or Department of the Government of India or an Autonomous Body set up by the Central Government, in which the pension scheme under Central Civil Services (Pension) Rules, 1972 already exists for the employees who entered into service on or before 31-12-2003.
- (ii) The employees who entered into service on or before 31-12-2003 and who were governed by CPF scheme or any pension scheme of Central or State Government, other than the pension scheme under Central Civil Services (Pension) Rules, 1972, on submission of technical resignation to take up

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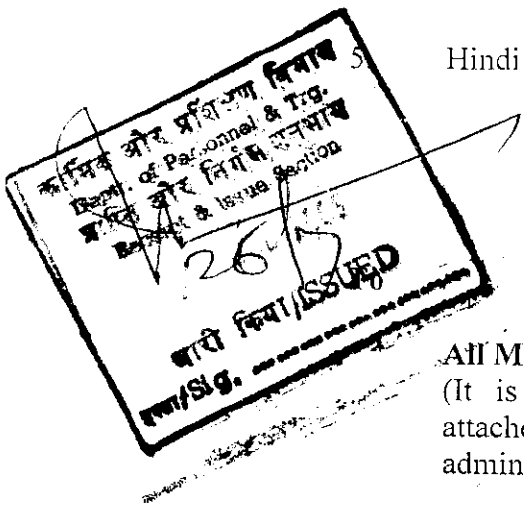
new appointment on or after 1-1-2004, cannot be allowed to join the old pension scheme under Central Civil Services (Pension) Rules, 1972 because entry to the said scheme ceased w.e.f. 31-12-2003 and no new entry can be allowed in the pension scheme under above Rules. However, such employees can seek pensionary/terminal benefits, from the previous organisation/Department, if admissible under the rules of that organisation/Department, for the period of service rendered under that organisation/Department.

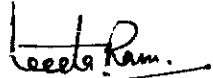
- (iii) All the Central Government employees who entered Central Government service or the service of an Autonomous Body set up by Central Government, on or before 31-12-2003 and who were governed by old pension scheme under the Central Civil Services (Pension) Rules, 1972 and who submit technical resignation on or after 1-1-2004, to take up new appointment under State Government, will be eligible for grant of pro-rata pensionary benefits for the period of Central Government or Central Autonomous Body service, on the lines as provided in the Rule 37 of Central Civil Services (Pension) Rules, 1972 and related orders.

3. Para 3(a)(ii) & 3(b) (ii) of the DP&AR's O.M.No.28/10/84-PU dated 29-8-1984 may be treated as deleted w.e.f. 1-1-2004. Further, the provisions of the DP&AR's O.M.No.28/10/84-PU dated 29-8-1984 or any other related order shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

4. This issues with the concurrence of the Ministry of Finance (Department of Expenditure) vide I.D.No.177/E.V/05 dated 6-6-2005. Ministry of Finance(Department of Economic Affairs) vide U.O.No.F.5(80)/2004-ECB&PR dated 28-6-2005 and with the concurrence of Office of the Comptroller & Auditor General of India vide their U.O.No.111-Audit(Rules)/44-2001-Vol.II dated 13-7-2005.

Hindi version is being issued simultaneously.




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All Ministries/Departments/ Office of C&AG of India

(It is requested that this O.M. may also be circulated to all the attached/subordinate offices and Autonomous Bodies under their administrative control)