

**E**avesdropping is the basic spy activity followed for centuries to know the enemy movement in advance to take counter measures for victory by various kingdoms. But eavesdropping in a democracy to spy and understand the moves of other political parties during election times is not taken lightly. Such instances received exposure in the media that toppled even the sitting Presidents of major powers. But permanently eavesdropping the opposition leaders, Judges, Media persons, former Election Commission members and other VIPs in a democracy is unheard of and not tolerated anywhere.

Wikipedia explains that the Pegasus is the Israeli modern spyware and the name is derived from the Greek Mythology of 'winged horse'! It is the opinion of many experts that the modern spyware developed by the Israeli Cyberarms firm NSO Group can be covertly installed in any modern mobile or other devices to spy on them very effectively. The exposure of the Pegasus software in Israel by an Israeli Newspaper and the consequent revelations that the spyware was sold to many governments for hundreds of million dollars and all personal data, movement and exchange of information of many VIPs were stolen by the respective Governments with the use of the above Pegasus software is causing an uproar in the world and in the country.

Recently both the Houses of the Indian Parliament could not function normally over the issue of Pegasus as the Government was adamant not to allow a discussion on it. The Pegasus has also revealed that the spyware was sold only to a Government Agency. The behaviour of the Central Government does not create any confidence that one of the Agencies of the Government of India did not purchase the spyware from Pegasus. If so the Government should have made an open remark to that effect and as many experts say a criminal investigation should have been initiated to clear that the spyware was not used against any VIPs. The hacking of VIPs by using such a software tantamount to violation of a person's fundamental right to privacy and liberty as laid down by the Supreme Court of India.

The writs filed by many persons before the Supreme Court and the stand of the Central Government that it is ready to constitute an experts panel and not going to file another affidavit and reveal any national security issues openly in public domain are creating doubts in our minds. The Supreme Court had earlier asked the writ petitioners as to why they kept quiet for two years and not filed any police complaints. The response to the question of Supreme Court by the petitioners also not satisfactory. But the Government taking shelter under the pretext of 'National Security' also is not satisfactory. National Security is not compromised if it agrees or disagrees that the spyware from Pegasus was purchased by any Indian Agency or not and that the spyware was used in India or not? Who will be the members of the expert committee? The supporters of Government filled in the committee may not create confidence. There should be transparency and trust in whatever done by the Government and it should take the Parliament into confidence before resorting to any particular direction.

But unless and until the Indian Government proves its innocence the doubts will remain. The track record of the Government which used to road roll any opposition with its majority and the manner it had tried to subdue many agencies including the media in the past does not dispel our doubts that the Central Government is trying to side-track in the name of national security. The fast-track manner several bills were adopted by the Parliament during the pandemonium speaks volume about the respect of democratic practices respected by the central government. The use of Israeli spyware is an exposure at the international level. The good relations established between the Israel and India has got the prima facie doubt that requires to be dispelled by the Government.

**K.Ragavendran, Editor**

# ORGANIZE WORLD ELDERLY DAY

TUI (P&R) Calls for worldwide programmes on 1.10.2021



Every year 1st October is being observed as per the call of Trade Union International (Pensioners & Retirees) as the “World Elderly Day”. This year also, the TUI has called upon to observe the day in a befitting manner and highlight the issues of Pensioners and Elderly People. It has called that our voice for a DIGNIFIED LIFE shall reach all corners of the world.

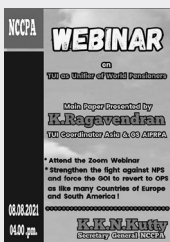
Comrades! We should remember that we are an affiliate of TUI (P&R) and the responsibility of Coordination of Asia Continent is bestowed on us by the TUI. Without our active role to highlight the day with all possible activities by us, we cannot justify the role entrusted to us by the TUI (P&R). Trade Union International (Pensioners & Retirees) is a class conscious world platform unifying all pensioners in the right direction of defence of Pension and Social Security under attack by liberalization. We are indeed highly thankful to the World Federation of Trade Unions for deciding that the Pensioners in the world have got an important role to play in opposing liberalization and globalization and founded the Trade Union International (Pensioners &

Retired) in the Barcelona International first foundation conference of Pensioners. The TUI (P&R) is actively organizing for the pensioners cause since then and holding the 1st October International Programme is part of its activities.

We can hold Demonstrations, Rallies, Special Meetings. Various type of other events, distribution of pamphlets etc to highlight the WORLD ELDERLY DAY. We should call for a dignified life to all senior citizens with decent house, decent food, potable water, adequate medical facilities, good transportation and proper protection in our old age.

Initiate discussion with all other Pensioners Organizations! Talk to all Service Associations! Mobilize all under the banner of Trade Union International (Pensioners & Retirees)! Hold the Programme befittingly taking the conditions unfurled by the Pandemic in your areas. If traditional methods of assemblies are not possible, then organize virtual forms of assemblies in the morning and join the programme of CHQ in the evening hours!

INDIA shall not lag behind in the WORLD ELDERLY DAY Programmes!



**NCCPA  
WEBINAR  
ON WFTU  
& TUI**

Secretary General NCCPA Comrade KKN Kutty had organized a webinar in zoom on the topic of “TUI as a Unifier of World Pensioners” on 08th August, 2021. The Main paper of the Webinar was presented by the TUI (P&R) Coordinator Asia Comrade K.Ragavendran. The Webinar explained the pivotal role being played by the Trade Union International (Pensioners & Retirees) and the WFTU in organizing the working people and the pensioners and retired of various countries with class-consciousness. The Webinar also exposed the fact that many European and South American Countries are reverting from privatization of pension path to old pension system after the failure of privatization systems. The gist of paper presented on the topic will be printed in the next issue of Pensioners Post.



# 6th WORLD DAY OF STRUGGLE FOR PENSIONERS



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## DAY OF THE ELDERLY OCTOBER 1, 2021

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**T**he elderly, whose date of remembrance for the United Nations and of our struggle, is the 1st of October, that last year we spent more or less at the height of the coronavirus pandemic and the current one we face at the height of vaccination, although only for some countries and some sectors of the population.

The pandemic, like any crisis, only uncovered the pot, to highlight the economic and social scourges, which are inherent (structural and systemic) to the capitalist system, such as the great inequality, between a small group of the world bourgeoisie, of those who are representatives of the imperialist phase, and the vast majority of the world population, limited and lacking all basic services, which must survive in a high percentage of subhuman conditions.

The pandemic has meant the worsening of working conditions, unjustified layoffs, wage cuts, the bankruptcy of small businesses, but none of this is new, only now the pandemic serves as an argument, the pandemic has become the front man of the capitalist system, because all the ills of the system are being put in the name of the pandemic.

The conditions through which we, the elderly, have had to travel, existed since before the pandemic, the abuses in homes, residences, and nursing homes, the lack of free medical care and medicines, the misery pensions for retirees, the absence of pensions for the majority of the elderly people in the world, which go hand in hand with the illicit and corrupt enrichment

of private retirement fund organizations; in the assault of the world's private banks on the resources of those who gave their lives to enrich them, before when we were active workers they exploited us, now when we are retirees they steal from us.

We older people are a responsibility of the State, beyond the fact that in the stage of our previous life we have worked more years or less years, with more or less remuneration, because to give us work and a decent remuneration, is also the responsibility of that State. Then every elderly person should have guaranteed conditions for a dignified life, like any human being.

It has become clear, as without a pandemic, that some people and countries are more important than others, because, for example, the pharmaceutical transnationals hand in hand with the rich countries have crowded a few countries with vaccines until they have surpluses, while the poor countries have a dropper, or it does not reach them. It is simply imperialist behaviour at this stage of capitalist development.

But it has also become clear that there is an ideological pandemic, which created in the laboratories of the bourgeoisie and imperialism, is lashing out at our peoples, with a variety of social democratic theories of class conciliation, which is aimed especially at workers, in order to make them believe that their situation of misery is negotiable, and that it can be fixed without fundamentally altering the capitalist system as such. They are even capable of questioning



neoliberalism, to proposing supposed and non-existent variants of socialism, but without destroying the capitalist system. They are only proposing new economic strains of the same capitalist virus.

Consequently, it is the task of the elderly, of those who were conscious workers, and of those who have once retired have decided to fight, to take up the theoretical tools of the class struggle, to train the new generations, in the understanding of what the current system based on the exploitation of the labor force by capital, to arrive at the need to move towards a new type of society, of a totally different society, more humane and without exploitation.

As the world's only organization of retired persons, we have collected more than 600 signatures from various organizations in more than 60 countries, to the Open Letter that we announced at the ILO on the 14th of June. There are more and more organizations that join our fight, and with all of them we are going to make a GREAT DAY ON OCTOBER 1.

All kinds of activities (demonstrations, rallies, assemblies, various events, delivery of documents, etc., adapted to each reality) will surpass those that were already successful 5 previous World Days of Struggle of pensioners.

The photographs, videos and documents that will capture this new Day will be the best demonstration that pensioners will help to end Capitalism, which is the great evil of Humanity.

***FOR A DIGNIFIED LIFE, THE STRUGGLE CONTINUES!***

***LONG LIVE THE SIXTH WORLD DAY OF STRUGGLE OF PENSIONERS!***

## **WFTU ON PANDEMIC VACCINATIONS!**

The production of safe and effective drugs and vaccines to deal with a pandemic is paramount. After the outbreak of the COVID-19 pandemic, the world's largest pharmaceutical companies jumped into the battle to manufacture the Coronavirus vaccine, having been financed with a billion by the capitalist states. Some financially powerful countries pre-bought many doses of vaccines per inhabitant, and today they have already advanced with the vaccination program of their population, while poor countries such as in Africa and elsewhere have vaccinated only 1% of their population.

The first vaccinations began about ten months after the outbreak of the pandemic, although before the pandemic there were already studies on the manufacture of vaccines against SARS viruses, which had not progressed due to lack of funding. The vaccination program even in developed countries was extremely slow during the first months, due to competition and geopolitical games among others, even during a crucial period with thousands of victims from the pandemic.

The above highlights the inequality, speculation and barbarity of the exploitative system in which we live, where medicines, vaccines, and workers' health in general are treated as merchandise and not as social goods. The safeguarding of the profits of the pharmaceutical monopolies, of the patents of medicines and of vaccines, is put before the life and prosperity of the peoples. The World Federation of Trade Unions invites union members and friends in Latin America and the Caribbean to participate in this Seminar on August 30, 2021, at 5:00 pm, Greek time, to talk and enrich our fight for medicines and vaccines safe and free for everyone.

# Argentina moves to Nationalize Private Pension Funds!



**P**resident Cristina Kirchner of Argentina has asked the Argentine congress to approve plans to nationalise 30 billion dollars in private pension funds, saying the measure is necessary to "protect retirees and workers" amid the financial crisis.

Argentine President Cristina Kirchner moved Tuesday to nationalize 30 billion dollars in private pension funds, saying it was necessary to protect retirees in the global financial crisis.

"We are taking this decision in the international context in which the G-8 countries and others are seeking ways to protect banks," Kirchner said as she presented the nationalization plan, which still must be approved by the Argentine Congress.

"We are protecting our retirees and workers" the President said. The government is taking the step after the 10 companies in the private pension sector suffered severe losses in the crumbling stock and bond markets, according to an official

who insisted on anonymity.

The ten firms which are hitherto controlling the pension funds together administer around 30 billion dollars in retirement savings of 53 percent of Argentine workers, and take in about 4.6 billion dollars each year in new contributions. Eight of the ten are controlled by private banks. One is a cooperative and another is controlled by state-owned Banco Nacion, the country's most important bank.

The political opposition which is in support of private corporates is crying and accusing the government of confiscating the private pension funds to help service the national debt of some 150 billion dollars. But the fact remains that an important South American Country is returning to Defined Pension System from the path of Privatization of Pension after experiencing the fact that the privatization of pension is utter failure and was ushered in only to boost the corporate houses.

## All India Consumer Price Index

| Month      | CPI Base<br>2016=100 | 12<br>Months<br>Total | Monthly<br>Average | 7th CPC<br>% increase<br>over 261.42 | Dearness Relief Due      |
|------------|----------------------|-----------------------|--------------------|--------------------------------------|--------------------------|
| Dec – 2020 | 118.8                | 4020                  | 335                | 28.15                                | 28% from Jan 2021 (Paid) |
| Jan – 2021 | 118.2                | 4030                  | 335.83             | 28.47                                |                          |
| Feb -2021  | 119.0                | 4045                  | 337.08             | 28.94                                |                          |
| Mar – 2021 | 119.6                | 4063                  | 338.58             | 29.51                                |                          |
| Apr – 2021 | 120.1                | 4080                  | 340.00             | 30.06                                |                          |
| May – 2021 | 120.6                | 4097                  | 341.42             | 30.60                                |                          |
| Jun – 2021 | 120.6                | 4112                  | 342.67             | 31.08                                | 31% from July 2021       |



# Status of Pension in Asian Countries

## NEPAL

After the island nation in the south of India, we are going to northern Himalayas mountains to analyse “Nepal”. Nepal in many ways is quite opposite of Srilanka but there are similarities in pension system. Nepal is called as the Himalayan Kingdom. . It is called as Federal Democratic Republic of Nepal. Nepal is a land locked country. It is practically in between India and China. China is situated in the north and India in three other sides of “Nepal”. Though it is in Himalayas, it possesses areas of Indo-Gangetic plains also. Kathmandu is the capital city of the country and Nepali is the official language.

The modern history of Nepal is unique. It was never a British or any other European Country’s colony. Nepal under Rana dynasty with Prime Minister arrangement was close and friendly with British. In fact, Nepal was staunch supporter of British and assisted Britain in suppressing the First Independence War of India of 1857. Nepal also helped the Britain in two world wars. Nepal and UK signed a friendship treat in 1923. But many

activists of Nepal actively joined the freedom struggle of India. After India won its independence in 1947, the Nepali Congress successfully toppled the Rana Regime and established Parliamentary Democracy in Nepal. It signed a friendship treaty with India in 1950. Nepal joined the United Nations in 1955. It signed a friendship treaty with China in 1960. Nepal is a founding member of SAARC and it has got the distinction of hosting the permanent secretariat of the SAARC in Kathmandu City. Nepal is also a member of the Non-Aligned Movement. The Nepalese Armed Forces are notable for their Gurkha history. It has been a significant contributor to United Nations peacekeeping operations also.

There was a long period of political turmoil in Nepal from 1960 when King Mahendra scrapped



the democratic experiment and established a partyless Panchayat System. Until 1990 for a period of 30 years there was no democratic frame work in Nepal. Though the Panchayat System modernized the country, it had suppressed people; banned the political parties; imprisoned and exiled many. In 1990, the people's movement forced the King Birendra to establish multi party democracy. There followed another period of unrest and chaos and large deaths and ultimately the country returned to democracy in 2008, when the country was declared a republic.

Since, Nepal is basically an agricultural economy the industrial development was slow and sluggish. In 1936, after the formulation of the Nepal Companies Act, the Biratnagar Jute Mills was established as the first joint-venture industry. A few more government-owned industries were opened in the 1950s and 60s, often with support from China and the then USSR. The industrial sector in Nepal is very undeveloped even today. Nepal has modest growth and remains one of the poorest and slowest-growing economies in Asia, with its per capita income rapidly falling behind its regional peers and unable to achieve its long-standing ambition to graduate from low-income status. Lack of infrastructures, limited size of the domestic market, and lack of adequate capital and technical know-how are the reasons for slow industrial development in Nepal.

The Pension system in Nepal is therefore started only around 1998. The Pension was non-contributory and the expenditure was met from the government exchequer. The Pension system started with the military in 1998 and it was 20% of the salary paid to the pensioners until death. For civil servants the pension system was started in 1999 and it was 1/6th

of the salary. For receiving this 1/6th of salary as pension the civil servant should have put in at least 25 years of service. But 20 years of service is enough to draw pension. This pension was not less than 50% of the last basic salary and not more than 100% of it depending on the length of service and last pay drawn as well as the denominator. The pension payment was regularized as monthly after the ushering in of democracy in 1950. Many pension acts were enacted since 1991 to 2014 covering various sections of employees and workers under civil services and police and military as well as judiciary and parliament.

A Non-contributory system of pension for all senior citizens was introduced in 1995. Initially the age of eligibility was 75 and now it is 70 years of age. An allowance is paid to the widows who are 60 years old. Ministry of Federal Affairs and Local Development is responsible for overseeing the pension scheme for Old Age Pension and Social Security Allowance for Senior Citizens, widows, disabled persons, endogenous people etc. For disbursement of pension to government employees covering Civil servants, Teachers, Army personnel and Police is entrusted to Pension Management Office. The retirement age is between 58 and 65 depending upon the sections. VRS is permitted in army and police after 16 to 20 years of service.

General Pension, Family Pension, Disability Pension, Extraordinary Family Pension, Education and dependent children allowances are some of the major type of pensions in Nepal. Many agencies of Government are involved in pension management including the Finance Ministry and Banks.

Under defined pension, the minimum pension will not be less than 50% of the basic salary of the position and will not exceed

the basic salary. Two third amount of salary increment of corresponding position will be increased in pension. An additional 10% of pension amount is provided in lieu of medical allowance to pensioners aged 75 and it will be 20% for the pensioners aged 85 and above. Spouses of pensioners are entitled to full pension for 7 years and thereupon it will be reduced to 50% during the life time of the spouse. An exemption of 25% on taxable amount of pension is allowed.

The pension scheme is available only to Government sector covering the Civil Servants, Army, Police and Teachers and under Public Sector to employees of government run organizations only. There may be around 3,00,000 Pensioners totally representing all pension drawing sections under defined pension scheme.

Except Provident Fund there is no contribution collected from the employees. The increasing life expectancy is one of the main reasons for the increasing financial burden on the Government exchequer. As the schemes are inadequate 90% of the population in the fields of agriculture, self-employment and other professionals are not covered by any social security schemes. Even in Corporate sector only around 10% of employees are covered.

The government has proposed to set up a contributory pension scheme for civil servants under which they will pay 6 percent of their monthly salary into the plan, and the government will match the amount of money that they contribute. A bill to set up the fund was tabled in Parliament in 2018. We are not sure whether the bill was adopted and the scheme of contributory pension was started for employees entered in service since 2018.

Similarly the contemplated schemes for establishing contributory welfare fund to civil servants and raising the retirement age of the employees were implemented or not due to political developments is not clear.

As per the statement issued by the Nepal Government, the contributory pension plan will be made effective for all civil servants appointed from the commencement of the fiscal year 2018-19. The Government has stated that “At a time when the government has been facing an increasing liability of pension amount, the new provision will be made mandatory to run various types of social security schemes.”

According to the contributory pension system, Civil servants who have served for at least 20 years will be eligible to receive a pension. Retired government employees will receive a pension equivalent to 2 percent of the salary for the final month multiplied by the number of years of service.

But one thing is clear. Many countries have followed the dictates of world financial institutions and opted the road to privatize the pension funds. Nepal could keep it away for long even after liberalization has become the dominant policy of several nations itself is a praiseworthy development. The growth of left forces and the formation of Nepal Government by left forces supported by the working class indicates the non-embracing of contributory type of pension and social security schemes in this country. The strength of labour unions and pensioners movement would have ensured this development for sure. Let us watch Nepal closely for further development in this pension area as the fact is that several European and South American countries are reverting back from the path of privatization of pension. ●





# PENSION

## Reversion to Old Pension System *Possible or Impossible?*

The fragrance in the air started to reach us. Reversion from contributory pension system ushered in the background of liberalization in the world after the collapse of socialistic block to the Old Pension System or Defined Pension System is happening in many countries of the world. During the 23 years between 1981-2004, thirty countries have opted for full or partial privatization of pension in their countries. The study of ILO in the year 2018 says that majority of world countries have not opted to fully privatize their pension systems despite the pressure from international financial organizations and pension industry. But today those 30 countries started to replan and re-reform. Yes, the process of reverting to old pension system funded by the public funds has started in 18 of those 30 countries recently. This is a welcome trend as far as the world pensioners movement is concerned. The trend is not only welcome to us but also a befitting answer to those protagonists of pension funds who used to argue in loud voice that the privatization of pension like the NPS in India are irreversible.

### **Countries opted the reverse path**

The 18 countries as of 2018 according to the ILO survey have reverted the process. Those countries are both in Europe and South American continents. Venezuela in the year 2000; Ecuador in 2002; Nicaragua in 2005; Bulgaria in 2007;

Argentina in 2008; Slovakia in 2008; Estonia, Latvia and Lithuania in 2009; Bolivia in 2009; Hungary in 2010; Croatia and Macedonia in 2011; Poland in 2011; Russian Federation in 2012; Kazakhstan in 2013; Czechoslovakia in 2016; and Romania in 2017.

The list contains some big countries and erstwhile marine powers of the world too. These countries boldly taking the step to stop the process of privatisation of pension and social security and re-reverse the liberalization step is a stark reality of correctness of our position. We took the stand that privatization of pension like the NPS is not going to help us the pensioners and also not going to help the Government exchequer as the equal contribution from the Government will be costlier than the pay-as-you-go defined pension schemes. The 6th CPC constituted special committee headed by Doctor Gayatri of Bengaluru IIT also vindicated our arguments. Organizations like the Help Age International also independently argued that it is going to be a manageable percentage of GDP only to resort to universal pension system to help all the senior citizens of the country. Therefore, the ILO study has correctly captioned the chapter as "Pension Privatization: three decades of failure"!

### **Reasons for the reversal**

The major reasons for the reversal in these 18 countries are to be deeply looked into if in

the country like ours with more than 130 crores of population want to steer its economy clear of troubled waters. The ever increasing and high fiscal and administrative costs; the low coverage and benefits to beneficiaries; and the total unpredictability of old-age income due to risks in the capital market are some of the reasons for the reversal. The ILO study is emphatically trying to drive home a point that while some countries repealed privatization early, the large majority of reforming countries in the world turned away from privatization after 2007-2008 financial crisis. But not India which is proceeding with speed that privatization is the only panacea of all ills to Indian economy! This financial crisis exposed the drawbacks of privatization and the countries have stopped the process of privatization. It seems India had not learned the lesson and today the speed of privatization is alarming under the present government.

### Three chapters of study

The ILO study contains of three chapters. They are (1) The privatization experiment and the reasons that led to abandon this model; (2) The reversal process from privatization; and (3) Policy steps needed to redress pension privatization. Thus the real intention of the

study of ILO is to suggest methods to the world to redress the pension privatization which is imbedded with drawbacks that forced the European and South American countries to abandon the path of pension privatization and come back to old government funded pension system.

### Prologue

We will take country by country of these European and South American countries as selected by the ILO study and try to strengthen the view that the process of reversal from the path of privatization of pension and social security is inevitable. We will focus our attention that we have to reverse from the path of NPS and revert to defined pension system for the entirety of Central and State Government Employees and Public Sector Employees. We will focus our attention that the universal pension shall be the direction we have to take for all unorganized and private sector employees for which the Government has to come forward to spend a percentage of GDP as suggested by many including the Help Age International. The purpose of the study may be different for the ILO but let us take the points and emphasis the reversal to the Old Pension System.

*(Continued .....*)

## CHQ YouTube Channel

CHQ has decided to use the technology in different forms including uploading videos on different issues in the YouTube Channel page of CHQ. This was reported in our July issue of Pensioners Post as well. But some viewers have opined that our District Secretaries were not circulating this news in the groups! All our District Secretaries should publicize the same widely!

1. SUBSCRIBE to the YouTube Channel of Aiprpa Chq and share the news to all your friends and acquaintances so that

the subscribers will increase considerably. If they also select 'All' option by clicking the 'BELL' icon near the SUBSCRIBE message, then direct notification whenever the CHQ uploads any video will be available to all.

2. All Office Bearers and Members can visit the CHQ You Tube page and take advantage of the videos there to educate them and refresh their knowledge on all Rules of Pension and Family Pension. This will be essential in building the AIPRPA organization.



# 30th June Retirees Notional Increment?

The issue of notional increment to retired comrades on 30th June has caught the imagination of all Pensioners who retired on that date after 6th CPC. The reason for interest among the Pensioners who retired on 30th June was mainly due to two reasons. The first and prime reason is the victory of comrade Ayyamperumal, a 30th June retiree, who won the case despite the Government's SLP and Revision Petition had fallen through. The rejection of SLP and Revision Petition by the Apex Court in the Ayyamperumal case caused much expectation among the Pensioners that the Central Government will have no other option now. Another reason is that in a number of courts like the Delhi Principal CAT, Hyderabad CAT, CAT Allahabad, CAT and High Court of Karnataka and Delhi High Court etc have given out favourable judgements granting the notional increment to the applicants. These were the prime reasons of kindled interest among the Pensioners of Central Government.

## **TN State Govt altered FR**

The State Government like the Tamilnadu State Government had already granted the notional increment to their pensioners who had retired after serving one full year and retired without getting the increment due to the reason that the pensioners were not on duty on the date of increment. After a Headmaster approached the State Government Tribunal and winning the case,

the State Government modified the fundamental rules and granted the notional increment to all such retired. Naturally, the distinction between the State and Central Government, which prevented the Central Pensioners from getting the notional increment started to disappear after the verdicts in many courts in favour of Central Government Pensioners.

## **Union Government is not reconciling**

But the Union Government is still not ready to reconcile to the idea of granting the increment to 30th June retired officials after 1.1.2006. It wants to fight the case further in the courts. It will pursue the usual tactics of dragging each and every pensioner to different level of judiciary and tire them out while implementing the judgment only to the litigants of such cases in which the Government had utterly failed. The Government side is cunning to use different jargons in its favour to deny the justice. We cannot forget the Government calling the Ayyamperumal judgement as "per incuriam" which means that the judgment had failed to take the judgements of similar nature of cases and did not argue to justify the present judgement. We cannot also forget the jargon used by the Government after the dismissal of SLP by the Supreme Court in Ayyamperumal case that the judgment was "Dismissal limine"! Dismissal limine means that dismissing an SLP without assigning reasons. Any

judgment of “dismissal limine” is not binding on other courts! Moreover the Government is taking shelter again and again behind the protection of “Judgment in personam” and not accepting the position of “Judgment in rem”! Once the Government takes shelter behind the “Judgment in Personam” claim, it is clear that no extension to all similarly placed officials or pensioners will be done by the Government. Similarly, will the Government move the Apex Court to obtain a stay order to the favourable judgment by the Delhi High Court which directed to implement till a final view is taken by the Supreme Court? Probably yes!

Therefore, the struggle for justice to 30th June retiree to earn the benefit of notional increment continues! The issue of the Circular by the Government through the DOPT which in turn is being circulated in all departments upto the lower levels indicates the clear mindset. We will simply cite the circular of the Government communicated through F.No.1453545/2021-Estt(Pay-I) Dated 24.06.2021 that the Government is not yet ready to reconcile to the claim of justification.

### **Contention of DOPT OM**

Analysing the above OM of DOPT is quite important. The “Subject” of the OM is ”Grant of benefit of one notional increment (as due on 1st July) for the pensionary benefits to those employees who had retires on 30th of June before drawing the same”. Immediately many comrades thought that the Government has issued an order in favour of granting the notional increment. But the reality is against that. The operative part of the OM is clearly directing all Departments to take note of the earlier instructions of the Government communicated through OM dated 03.02.2021 and the order of the Supreme Court dated 05.04.2021, which stayed the operation of granting of notional increment to a Railway Employee by the Bengaluru CAT and High Court.

Our Comrades naturally derive happiness in

circulating the favourable judgements of Delhi High Court and Hyderabad CAT judgments etc. But they are not final as the Delhi High Court itself had ordered that the benefit is subject to the final outcome of the Supreme Court. The stand of the Government is crystal clear in the latest OM dated 24th June, 2021.

### **Continue the struggle**

The matter is still not settled. There are many favourable judgments in different courts of the land to the Pensioners. There are some judgments in different courts against the Pensioners and in favour of the Government. The Supreme Court instead of speaking out clearly on the subject has so far only disposed of the petitions before it that are taken shelter by the Union Government as not coming under the categorization of “Judgment in rem” and therefore need not issue any OM granting the benefit to all similarly placed.

### **NCCPA stands for Judicial Battle**

Earlier, the National Executive of the NCCPA had decided to file a case in the Principal Bench of CAT Delhi on this subject. As the registration of NCCPA was not settled, filing of the court case also was delayed. But when the registration was completed, the COVID-19 did not allow the NCCPA to go to Delhi and file the case after consulting appropriate advocates. But even then, the matter would not have reached a finality. A finality on this issue will emerge only after the Apex Court takes a clear-cut position and dispose of the SLPs before it in unequivocal terms and delivers a judgment in the nature of “in rem”. But even after whether the Government will come forward to honour the judgment or force the Pensioners Associations to agitate before the justice is won is not clear!

But we draw inspiration from forefathers like Comrade D.S.Nakara! We will not get tired of going to all levels of courts if that is what this Government desires us to do! Justice becomes sweeter only if that comes in our way after a bitter struggle! ●



**T**here is a feeling among the top bureaucracy and of course shared by some leaders of unions and associations of both serving and pensioners also that all the compulsorily retired pensioners are untouchables. Naturally whenever an issue of compulsorily retired is taken up, the response of the bureaucracy is totally negative and if we talk about the attitude of the Government lesser the better. Ironically, the leadership at various levels of pensioners organizations also feel that we cannot waste our valuable time on the pensioners who were punished for crime!

### **Government decision on CR**

All India Postal & RMS Pensioners Association differs from the above contention. We feel that a Central Government Employee was awarded with the punishment of compulsory retirement by the Disciplinary Authority after assessing the mistake or crime committed by the concerned official before awarding a major

penalty. The Government of India decisions under Rule 40 of CCS Pension Rules 1972 on compulsory retirement is actually goes against its present attitude on the subject despite its show of apparent sympathy. Those decisions state that compulsory retirement is to be given as a major punishment on two premises. Premises number 1 is that the continuation in service by the said official is not desirable. Premises number 2 is that the crime committed by the official is not so grave to warrant dismissal or removal to deny any pensionary benefit to the official. Accordingly, therefore, the Disciplinary Authority after assessing the nature of crime or mistake committed after the enquiry decided to award the punishment of compulsory retirement with or without any cut in pension and DCRG according to the nature of the lapse.

### **Punishment awarded by DA**

While giving the punishment of compulsory retirement, there is a provision to grant full



**Are  
Compulsorily  
Retired  
Untouchables!?**

entitlement of Pension and DCRG as on date of such punishment or to reduce the pension or DCRG or both by 1/3rd level by the Disciplinary Authority. However, while the Honourable President of India passes an order whether it is original or in the capacity of appellate or review, awarding a pension quantum to a Government Servant with less than full pension, then the UPSC has to be consulted.

The meaning is clear. The protection is there. The severity of the crime is assessed by the Disciplinary Authority before awarding the punishment. Therefore, there shall not be another punishment awarded by the Government subsequently, as per natural justice.

### **Injustice to Compulsorily Retired**

These compulsorily retired pensioners who have been already punished by forfeiture of their remaining future services are fixed with a pension according to their basic pay as on date. They are also punished to appear before the Medical Board to get him fitness to get the commutation of pension. We are not trying to plead for change of that rule here as our purpose is only to expose how injustice on them is perpetrated in the re-fixation of pension in this article. We point out that after every pay commission their basic pension is multiplied by the same factor like the employees and other pensioners to fix the basic pension. The basic pay of the compulsory retired persons is not going to change! They will get only that much of revision of pension in accordance with their actual basic pay or pension. Therefore, when a formula is applied to fix the revised pension of all pensioners, it cannot be denied to the compulsorily retired pensioners also. This is the standpoint of AIPRPA. Any denial of any formula applied to other pensioners will tantamount to inflicting another punishment or second punishment on them over and above the punishment awarded by the Disciplinary Authority. This applies to all compulsorily

retired pensioners including those for whom a percentage of cut was inflicted in their pension and DCRG. The reason is that applying the same formula and effect the same percentage of cut in their pension fixation originally ordered will alone be justice.

### **Courts on Refixation of pension**

The Courts have held a different view so far. Some Courts have taken a position that unless there is a cut of percentage ordered by the Disciplinary Authority at the time of awarding the punishment, the full pension drawing compulsorily retired pensioners shall not be denied the fixation by such formula applied to other superannuated pensioners. The distinction between the compulsorily retired without any cut or compulsorily retired with a percentage cut in pension may not be full justice. We only say apply the formula and effect the same percentage of cut in fixing the revised pension. But the Government is not yet ready to even accept the court verdict and grant the benefit of Para 4.2 to those compulsorily retired pensioners without any cut ordered in their pension!

### **5th CPC recommendations denied**

Let us analyze from 5th CPC recommendations and the decisions of the Government first. The 5th CPC headed by Justice Rathnavel Pandian did not recommend any fitment factor like the 6th and 7th CPCs. It only recommended for an increase of 20% rise of basic pay or pension. But the strength of the organizations behind the strike call and the intervention of left parties both inside and outside the Central Government at that time ultimately brought about a rise of 40% of basic pay and basic pension. All employees and pensioners including the compulsorily retired were awarded a 40% rise of basic pay or pension excluding the two instalments of Dearness Allowance / Relief. The compulsorily retired were not denied that general fixation.

But the 5th CPC had given out another recommendation which was also accepted by the Central Government and OM was also issued on 17.12.1998. But after five years the Government issued another OM on 11.05.2001 (OM No.45-86/97-P&PW(A) Dated 11.05.2011) clarifying that the compulsorily retired pensioners are not to be covered by the OM dated 17.12.1998! Thus, the discrimination or injustice started there itself!

### **Same story after 6th CPC**

Let us come to the 6th CPC aftermath. The 6th CPC ordered a fixation formula of 1.86 multiplication factor. Accordingly, all employees and pensioners including the compulsorily retired pensioners were given a re-fixation of pay and pension by multiplying their pay or basic pension with the same factor. The same 6th CPC had recommended that any pension fixation shall not be lower than the 50% of minimum pay in the pay band plus appropriate grade pay corresponding to the pay scale in which the pensioner had retired. The Government had accepted this recommendation also and gazette notified it and an OM was also issued on 1.9.2008. Para 4.2 of the above OM was applied to all pensioners and the pension fixation under 4.1 (1.86 multiplication factor) or 4.2, whichever is greater was applied. But ironically, the benefit of Para 4.2 was denied even today to the compulsorily retired pensioners. There was no distinction made by the 6th CPC or by the Government at the time of coining the paragraph after the cabinet approval between superannuated and compulsorily retired. But by a subsequent OM the Government denied the benefit of Para 4.2 to the compulsorily retired even though it relented to grant it to retired pensioners of pre-2006 with less than 33 years of service after the Court verdicts.

### **No Change after 7th CPC also**

After 7th CPC also this type of discrimination against the compulsorily retired pensioners

continues. The 7th CPC recommended option number 2 of fixation viz., the multiplication factor of 2.57. It was applied to all employees and pensioners including the compulsorily retired as like the earlier occasions of Pay Commissions. But when the Government took an unreasonable position that option number 1 recommendation of the CPC is not feasible to be implemented and in lieu of it another option called the option number 3 type of fixation of pension is ordered, the compulsorily retired pensioners were denied that benefit through the same OM dated 12.05.2017.

### **Huge loss to CR Pensioners**

The loss to compulsorily retired pensioners is too much. Their services were terminated by the punishment and naturally their pension was a bit lower to other superannuated pensioners of the same cadre. But denial to any other subsequent formula of re-fixation of pension is deliberately reducing their entitlement and therefore an act of injustice. The Para 4.2 of the OM dated 1.9.2008 was only fixing a minimum pension but that was also denied to compulsorily retired. After 7th CPC the fixation under Option number 3 which ensured notional calculation in the 7th CPC pay scales also denied to them. Thus, the loss to compulsorily retired pensioners is huge. This is not justice and this is not what correct application of judicial mind.

### **Let us Fight till Justice rendered**

The fight for justice by the compulsorily retired through court of law had brought out real justice in some courts. The compulsorily retired in several other parts of the country also fighting in different courts. But all look upon our organization to take up the case and fight for them. But the fight will strengthen only when all the unions and pensioners associations feel the justice for fight. AIPRPA requests all that this is a fight that we have to launch. Treating the compulsorily retired as untouchables by the bureaucracy is understandable but by our own leadership of different pensioners organizations and service unions should come out of the shell

## Know Pension Rules



# Family Pension to mentally/physically disabled children

siblings to the pension sanctioning authorities by the employee/pensioner or the family pensioner does not make a person ineligible for family pension.

A disability certificate issued after the death of the employee/pensioner or family pensioner for disability which existed before their death may be accepted by the appointing authority if he is satisfied that

(i) the disability renders him/her unable to earn a living (ii) he/she was suffering from that disability on the crucial date, i.e., on the date of death of employee/pensioner or family pensioner whichever is later.

If a disability certificate has been obtained for a permanent disability previously, there is no requirement of obtaining disability certificate afresh as has been made clear in Rule 54 (6) and OM No. 1/18/01-P&PW (E) (VOL. II) dated 30-09-2014 and 05-11-2015.

A Government servant or pensioner/family pensioner during his life time can appoint/nominate a person for payment of family pension in respect of persons suffering with Autism, Cerebral Palsy, mental retardation and multiple disabilities. Certificate of guardianship issued by the local level committees under section 14 of National Trust Act, 1999 can also be accepted. Appointing guardianship by these methods avoids in getting guardianship certificate from court of law.

The employee/pensioner/family pensioner may at any time before or after retirement/death of employee, can make request to the Appointing Authority seeking advance approval for grant of family pension for life to a permanently disabled child/sibling in terms of provisions contained in Rule 54 CCS (Pension) Rules 1972. Permanently disabled child/children or sibling can be co-authorized in the PPO issued to the retiring Government servant if there is no other eligible prior claimant family pension other than the spouse.

The Government vide OM No. 1/17/2019-P&PW(E) dt. 08-02-2021 has amended the income ceiling for grant of family pension to disorder/disability children/siblings should commensurate

**S**ons or daughters of the Government servant suffering from any disorder or disability mind including the mentally retarded or physically crippled or disabled so as to render him/her unable to earn a living even after attaining the age of 25 years, family pension will be payable to them for life upto the date of marriage/start earning.

The Government has allowed continuance of family pension to mentally/physically disabled children even after their marriage vide OM No. 1/33/2012-P&PW (E) dt. 16-01-2013. But the condition of income criterion continues.

Non-intimation of physical/mental handicap of the children/disabled



with the amount of the entitled family pension and the amended provisions shall take effect from the date of issue of the OM

If family pension has been sanctioned to a disabled child and the disability is temporary, the guardian of such disabled child shall produce a disability certificate once in 5 years to the effect that he/she continues to suffer from such disorder/disability in order to continue family pensions. No fresh certificate of disability would be required in the case of a child with permanent disability.

(But in reality the pension authorizing authorities do not mention in the PPOs of such cases as to the disability is permanent or temporary.)

### **Family pension to disabled siblings**

The Government vide OM No. 1/15/2008-P&PW(E) dt. 17-08-2008, included the dependent disabled siblings (i.e. brothers and sisters) of Government servants/pensioners in the definition of “family” for the purpose of eligibility of family pension. Such disabled siblings shall be eligible for family pension in the same manner as in the case of son/daughter as laid down in Rule 54 of CCS (Pension) Rules 1972.

The Government vide OM No. 1/6/08-P&PW(E) dt. 22-06-2010 clarified that in cases wherein eligibility of family members, (i.e. divorced or widowed or unmarried daughter/parents/dependent disabled siblings (i.e. brothers and sisters) occurs after issue of the PPO the pensioner himself or his/her spouse may intimate the details /names of such persons to the pension sanctioning authority.

The Government vide OM No. 1/13/09-P&PW(E) dt. 28-04-2011 issued instructions with a request to settle the family pension claims of widowed/divorced/unmarried daughters and dependent disabled siblings on priority.

In respect of disabled siblings, the Government servant/pensioner/family pensioner can appoint/nominate a guardian and request for co-authorization of family pension as in the case of children suffering from disorder/disability.

## **First sign of old age!**

A Medical Journal being published in USA has released an article on the first sign of Old Age! It says that we need not worry about grey hair or bald head as they do not affect our living standards. But the first sign of old age is the weakening of strong legs! We reproduce the gist of that article from the Tamil monthly of “Mudhumai Ennum Poongaatru” with thanks!

- Legs will lose their strength if they are kept without movement for two weeks.
- Once the legs lose their strength, it will take several days to come back to old stage despite continuous exercises.
- Legs – primarily the feet carry the full weight.
- Two feet are reason for 70% of our physical labour.
- Our feet are functioning as the crux of total body movement.
- 50% of functions of nerves, 50% of blood circulation, and 50% of functioning blood vessels happen only in our legs.
- Strong muscles of legs is the indication of strong heart.
- As the calcium is getting reduced in the bones of legs with our aging, fracture occurs easily.
- 15% of senior citizens die within one year of breaking of their thigh bone.
- There is no bar of age for exercise. We can exercise even after 60.
- Like the walking, daily exercise prevents losing of strength of legs.
- Legs gets strengthened due to continuous exercises. The old age can be postponed by exercises.
- By regular exercise for 30-40 minutes daily, not only the legs get strengthened but our health is also protected.
- Old Age starts from our legs and moves upwards to head!

*Courtesy: Mudhumai Ennum Poongaatru*



## AIPRPA 8th FOUNDATION DAY

The 8th Foundation Day of All India Postal & RMS Pensioners Association was held as simple as possible in several parts of the country due to the ravage of the pandemic. The CHQ also held the celebrations virtually only. The video of Foundation Day is now available in the Aiprpa Chq You Tube Channel for all to view it, if they had missed it earlier. The CHQ sponsored Foundation Day celebrations in the evening of 19th July, 2021 was attended by different dignitaries of pensioners leaders. In a simple function held in the presence of CHQ Advisor and senior leader Comrade C.C.Pillai, the CHQ President Comrade D.K.Rahate presided and the General Secretary comrade K.Ragavendran initiated and while greeting all leaders also explained the historical task that had fallen on the shoulders of present day Postal & RMS Pensioners to build the monolithic Postal

Pensioners organization “AIPRPA”.

Plethora of leaders of Pensioners movement like Comrades KKN.Kutty (Secretary General NCCPA); D.Balasubramaniam (General Secretary AIFPA); VAN Namboodiri (Patron NCCPA); K.G.Jayaraj (General Secretary AIBDPA); S.K.Sharma (General Secretary CGPA Rajasthan); K.B.Krishnarao (General Secretary Karnataka P&T Pensioners Association); Prabhakaran Nair (Dy.SG NCCPA); J.P.Dhandre (General Secretary CGPA Nagpur); and G.Saharajan (General Secretary CGPA Kerala) addressed and greeted with their valuable input. The role played by AIPRPA in fighting the issues of Postal and other pensioners as well as the flag of unity highlighted by the organization was noted by almost all speakers. Comrade P.Mohan State GS of AIPRPA Tamilnadu delivered vote of thanks in the two-hour virtual celebrations.

Many States and Districts have braved the pandemic and organized assemblies and flag hoisting on the foundation day in which a number of members have participated. The bravery and enthusiasm show the spirit of base level members and office bearers in building the AIPRPA. Reports of meetings and celebrations have so far reached the CHQ from Kerala, Tamilnadu, Assam and Madhya Pradesh States and virtual assembly celebration was held in Jharkhand State. There may be foundation day celebrations in other states too but since we have no information about it, we could not publish it.

## Two Lakhs Teachers on Strike in Srilanka

More than 200000 teachers are striking since 12 July, 2021, demanding an increase in salaries, permanent solutions in salary and service issues that affecting teachers, principals, and non-academic employees, as well as the withdrawal of Kotelawala National Defence University Bill that undermines the Free Education System in Srilanka. The World Federation of Trade Unions on behalf of its more than 105 million workers from

133 countries of the 5 continents extends its solidarity with the strike and denounces the rejection of the just demands by the government after 23 days of strike and several rounds of discussions. The class-oriented trade union movement firmly stands on the side of the struggling teachers and workers and supports their struggle until the satisfaction of their demands and the touchable and effective support of the education system in the country.



# Government Orders

- **Ministry of Personnel, Public Grievances and Pension & DoP&PW**
- **OM No. 1(4)/2021-P&PW(H)-7223 dated 22.06.2021**
- **Subject:- Issue of Pension slip by Pension Disbursing Banks on monthly basis.**

In order to ensure "Ease of Living" of the Pensioners, a meeting was held with the CPPCs of Pension Disbursing Banks on 15.06.2021, wherein the issue of providing the breakup of monthly pension to the pensioners was discussed. The banks were impressed upon to undertake this welfare measure, as this information is required by pensioners in connection with Income Tax, Dearness Relief payment, DR arrears etc. The banks welcomed the idea and expressed their willingness to provide the information.

Accordingly, the undersigned is directed to request all Pension Disbursing Banks to issue pension slip to pensioners after credit of pension on their registered mobile numbers through SMS and email (wherever available) also. Banks may also use social media apps whatsapp etc in addition to sms and email. The pension slip should provide complete details of monthly pension paid along with break-up of the amount credited and tax deductions etc. if any.

The CPPCs of Pension Disbursing Banks are requested to ensure compliance of the above instructions for improving the "East of Living" for pensioners.

- **Ministry of Personnel, Public Grievances and Pension & DoP&PW**

- **OM No.3(8)/2021-P&PW(H)-7246 Dated 01.07.2021.**
- **Subject: Expeditious settlement of family pension cases by banks.**
- **Copy to: Secretary Department of Posts & Secretary Department of Telecom.**

The undersigned is directed to forward a copy of this Department's OM No.3(8)/2021-P&PW(H) – 7246 dated 16.06.2021 (addressed to all CMDs and CPPCs of Pension Disbursing Banks) on the above subject. This is for your information and necessary action.

- **Ministry of Finance, Department of Expenditure, CPAO**
- **OM F.No.13012(12)/3/2021-IT Technical/40 Dated 12.07.2021**
- **Subject: First Credit of pension on the basis of e-PPO into the account of the pensioner/family pensioner followed by subsequent verification with physical PPOs — Regarding**

It has been observed that the first credit of pension into the account of pensioner/family pensioner is delayed as the CPPCs of Banks await the receipt of the physical PPO for verification before starting the payment of benefits. The delay in crediting of pension to the pensioner's account due to this has been causing undue hardship to pensioners.

With a view to streamline the process to expedite the payment of first credit, all the Heads of the CPPCs of Authorised Banks are hereby directed to ensure that the credit of the first pension into the account of pensioner/family pensioner is carried out immediately on the basis of e-PPO and e-SSA received from the CPAO. The physical PPO booklet and related documents will continue to be sent to CPPCs until further orders. On receipt of the same, the CPPC of Banks will verify the details and if any differences are found between the e-PPO and manual PPO, the same should be intimated to CCP, CPAO within a month for necessary corrective action.

It may also be ensured that the e-Scroll for all payments of pension made is submitted the same day to CPAO while intimating RBI.

The order shall come into effect from the date of issue of this OM

This issues with the approval of the Controller

## General of Accounts

- **Department of Pension & Pensioners Welfare, New Delhi**
  - **OM No.42/07/2021-P&PW(D) Dated 22.07.2021**
  - **Subject: Revised rates of Dearness Relief to Central Government Pensioners/Family Pensioners w.e.f. 01.07.2021**
1. The undersigned is directed to refer to Ministry of Finance (Department of Expenditure) Office Memorandum No. 1/1/2020-E-II(B) , dated 23.04.2020, vide which instalments of Dearness Relief to pensioners/family pensioners due from 01.01.2020, 01.07.2020 and 01.01.2021, were frozen and to say that the President is pleased to decide that the Dearness Relief admissible to Central Government pensioners/family pensioners shall be enhanced from the existing rate of 17% to 28% of the basic pension/family pension (including additional pension/family pension) with effect from 01.07.2021. The increase subsumes the additional instalments arising on 01.01.2020, 01.07.2020 and 01.01.2021. The rate of Dearness Relief , earlier determined vide this Department's OM No.42/04/2019- P&PW(D) dated 21.10.2019, shall remain at 17% of basic pension/family pension for the period from 01.01.2020 till 30.06.2021.
  2. These rates of Dearness Relief will be applicable to:
    - I. Civilian Central Government Pensioners/ Family Pensioners including Central Government absorbed pensioners in PSU/Autonomous Bodies in respect of whom orders have been issued vide this Department's OM No. 4/34/2002-P&PW(D) Vol.II dated 23.06.2017 for restoration of full pension after expiry of commutation period of 15 years.
    - II. The Armed Forces pensioners/family pensioners and Civilian pensioners/ family pensioners paid out of the Defence Service Estimates. All India Services pensioners/ family pensioners. Railway pensioners/ family pensioners. Pensioners who are in receipt of provisional pension.
    - III The Burma Civilian pensioners/family pensioners and displaced pensioners/family pensioners from Pakistan, in respect of whom orders have been issued vide this Department's OM No. 23/3/2008-P&PW(B) dated 11.09.2017.
  3. The payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
  4. Other provisions governing grant of Dearness Relief in respect of employed family pensioners and re-employed Central Government Pensioners will be regulated in accordance with the provisions contained in this Department's OM No. 45/73/97-P&PW (G), dated 2.7.1999, as amended from time to time. The provisions relating to regulation of Dearness Relief where a pensioner is in receipt of more than \_one pension will remain unchanged.
  5. In the case of retired Judges of the Supreme Court and High Courts, necessary orders will be issued by the Department of Justice separately.
  6. It will be the responsibility of the pension disbursing authorities, including the nationalized banks, etc. to calculate the quantum of Dearness Relief payable in each individual case.
  7. The offices of Accountant General and authorised Pension Disbursing Banks are requested to arrange payment of Dearness Relief to pensioners/family pensioners on the basis of these instructions without waiting for any further instructions from the Comptroller and Auditor General of India and the Reserve Bank of India in view of letter No. 528-TA, 11/34-80-II, dated 23/04/1981, of the Comptroller and Auditor General of India addressed to all Accountant Generals and Reserve Bank of India Circular No. GANB No. 2958/GA-64 (ii) (CGL)/81 dated the 2 P1 May, 1981 addressed to State Bank of India and its subsidiaries and all Nationalised Banks.
  8. In their application to the persons belonging to Indian Audit and Accounts Department, these orders are issued under Article 148(5) of the Constitution and after consultation with the Comptroller & Auditor General of India.
  9. These issues in pursuance of Ministry of Finance, Department of Expenditure's OM No. 1/1/2020-E. II(B) dated 20th July, 2021.
  10. Hindi version will follow.

## Jharkhand

Jharkhand State AIPRPA had arranged a condolence meeting on 6.6.2021 virtually through Google meet to pay homage to Com M.Krishnan; T.Narasimhan; T.P.Mishra, U.S.Sharma, SAR Savgaonkar and other departed leaders. Comrade Nawal Kishore State Association President presided over the meet. Comrade M.Z.Khan State General Secretary had organized the meeting and initiated the discussion and the condolences. The District Secretaries of Dhanbad, Giridih, Dalton Ganj, Hazaribagh, Ranchi and Deoghar attended the meeting besides the State Office Bearers and Executive Committee Members. The Circle Secretaries of NFPE P3 Comrade Puranjay Kumar; Circle Secretary of NFPE P4 Comrade Dharmendra Kumar; and Circle Secretary of Administrative Union Comrade S.K.Jaiswal attended as Special Invitees. The departure of late lamented leaders was considered as an irreparable loss to us by all speakers. State Association also reviewed about the emails sent to Hon'ble PM/Cabinet Secretary to unfreeze DA/DR for 18 months from 1.1.2020,1.7.20 and 1.1.2021. It was decided to intensify the email campaign through mobilizing the pensioners/FP in each District. It was also decided that at least 20 emails should go from each unit.

## Tamilnadu

It is to our pride that the State of Tamilnadu Association had tried to remain dynamic even amidst the spread of pandemic. It was noted that the AIPRPA CHQ and NCCPA are trying to keep the movement alive through different Programmes and Video Conference meetings during this time. The State Association took all efforts to implement the decision of CHQ and NCCPA. The Email Campaign demanding to unfreeze the DA/DR to the Prime Minister as per the call of CHQ was organized well in the State during the month of June. The Black day on 26.05.2021 was also organized in several centres as per the call of Confederation and NCCPA highlighting the demands of employees and pensioners. State Association intervened with the CGHS Authorities on several urgent issues of CGHS beneficiaries including the reported violations of empanelled hospitals in treating the COVID-19 patients of our pensioners. On important issues like the assured opening of CGHS centre in Coimbatore etc RTI was effectively used by the State Association. AS requested by the CHQ, an email on the status of pending all India problems in the State was also sent. The State Association got a reply through RTI on the issue of denial of FMA to Pensioners on the grounds of non-issue of certificates from the departments of Spouses and noted that the issue is being dealt with the Department of Posts by the CHQ. The Association noted with concern that despite clear instructions to complete the examination of caste certificates well before the retirement of officials, many SC ST retiring employees are tortured by undue delay in verification after retirement. This issue has been taken up with the Circle Administration for early settlement. It is noteworthy to mention that more than a sum of Rs.5,00,000/- (Five Lakhs Rupees) was collected by the State and many Districts and donated to the newly elected State Government's appeal for Corona funds to the Chief Minister.

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# CHQ Writes to Government

- **Director (Admn) DOPT & Secretary DoP&PW**
- **No. AIPRPA / General - Dated 21.07.2021**
- **Sub: Request for endorsement of all OMs to the Postal Department also in addition to CMDs and CCPCs – regarding.**
- **Ref: Latest OM issued vide No.1(4)/2021-P&PW(H)-7223 Dated 22.06.2021**

This All India Postal & RMS Pensioners Association wish to point out that many OMs emanating from the DOPT or DoP&PW used to be addressed to the CMDs and CPPCs of Banks while the Postal Department which is also running a POSB system of payment of pension to a lot of people. This is causing problems to the pensioners drawing pension from the POSB account because the Postal Authorities often take shelter that they are unaware of such orders.

This Association had in the past also addressed a similar issue but unfortunately no progress is being witnessed. We request that the Postal Department also be included in all your OMs as one of the addresses in future to mitigate the troubles of Pensioners drawing pension from the POSB.

- **Member (P) Department of Posts, New Delhi 110001**
- **No. AIPRPA / Community Certificate / Verification - Dated 21.07.2021**
- **Sub: Request for ordering verification of community certificate well in advance to allow the SC-ST officials retire peacefully – regarding.**

This All India Postal & RMS Pensioners Association wants to stress that there are clear Rules framed by the Home Department of Government of India vide OM No. 43/34/52-NGS Dated 17.04.1953 and OM No.36012/6/88-Estt. (SCT) Dated 24.04.1990 that the SC/ST candidates should be provisionally appointed first and then the claim of caste shall be verified

through the District Magistrates and in the event of claim of the officials turn to be false, the said officials are to be immediately terminated.

Further the Rule of DOPT vide OM No.36011/16/80-Estt.(SCT) dated 27.02.1981 directs that the verification of community of the officials be verified at the time of initial appointment and at the time of promotion against SC-ST reserved quota.

Therefore, there is enough time during the long service of SC-ST officials after their initial appointments or at the time of their promotion to verify the community certificates submitted by them. There is absolutely no need to prolong it till the time of superannuation of those SC/ST officials which unnecessarily causes abnormal delay in settlement of their retirement claims. The delay is inhuman. The economic burden coupled with mental torture will be thrown on the SC/ST retiring officials who rendered long and blemished service to the nation and to the public.

Moreover, the latest instructions to obtain a self-undertaking declaration from those SC/ST retiring officials and clear all the retirement dues to them are also not properly being observed by the Authorities. Again, we are receiving many complaints of delay in the name of verification of community certificates.

This Association feels that selected SC-ST retiring officials are being targeted and punished because of animosity to the scheme of reservation itself by the upper caste officers, who want to take revenge by unnecessarily delaying their retirement benefits.

We request you to intervene and issue proper and suitable instructions to avoid strictly any delay in sanction of retirement benefits in the name of verification of community certificates.

- **Secretary DoP&PW**
- **No. AIPRPA / Unfreezing of DR - Dated**

**22.07.2021**

• **Sub: Early release of unfreezing of Dearness Relief orders – regarding.**

This All India Postal & RMs Pensioners Association wants to strongly state that the Department of Pension & Pensioners Welfare is not feeling to act with necessary speed in release of OMs relating to increase of Dearness Relief. The Finance Ministry has released the DA orders as far as the employees are concerned and the delay on the part of the Pension Ministry is going to stop the 11% increased Dearness Relief payment to all CG Pensioners on the last working day of this month while drawing pension and family pension for July 2021.

The big army of Pensioners and Family Pensioners who are one of the vulnerable sections of the society will be looking their pension this month without any addition of unfrozen Dearness Relief! The main reason is not the Government but the failure to take immediate action in time by the Department of Pension & Pensioners Welfare! The speed with which the Finance Ministry acted as far as the employees are concerned is not visible in the Pension Ministry!

This Association requests you to personally intervene so that the order reaches all departments well in time to draw the dearness relief increase along with the pension and family pension of July 2021 itself.

- **Member (P) Department of Posts, New Delhi 110001**
- **No. AIPRPA / Pension /Messenger / 2 - Dated 05.08.2021**
- **Sub: Request for simplifying the order for using messenger service by Pensioners – regarding.**
- **Ref: SB Order No 23/2021 conveyed in DoP No.F.No.FS-14/1/2020-FS Dated 04.08.2021**

This All India Postal & RMS Pensioners Association expresses its thanks for the issue of the above SB Order taking into account the difficulties experienced by the Pensioners, who could not go to Post Offices

for operating POSB directly but could only use the messenger services for withdrawal from POSB Pension Account. But we wish to point out that the above order is placing much strain on the Pensioners especially the senior citizens who could neither go to Post Offices directly nor be in a position to write at length to follow the cumbersome procedures explained by the above OM.

Kindly take a relook at the order which is more or less like a big court order explaining lengthy procedures to be followed by Pensioners, which is indeed a big strain on them at their old age and in a condition of inability.

The purpose of any order should be in the nature of simplifying the procedures. The Government, in the recent past, allowed many concessions to Pensioners by allowing them not to visit the Post Offices or Banks to produce life certificates but allowed them to use Jeevan Pramaan to submit digital certificates. But for withdrawal from POSB, they are physically tortured by the avoidable lengthy procedures of producing documents every month and filling up in his or her own handwriting etc. Actually, many Pensioners at their advanced age and condition cannot write properly and can only take the help of others. Asking them to paste the photos of messengers every month is compelling them to follow tiring and tough procedures. Therefore, torturing them cannot be construed as giving them relief even though the order allows them to withdraw money from their pension accounts through messenger.

This Association is not aiming to help the perpetrators of fraud or conning the senior citizens by using their physical inability to move. But the actual problem of Pensioners is not properly weighed by the Department of Posts or by the Finance Ministry with whom the DoP had taken up the issue. This Association will only request you to revisit and liberalise the procedure and restore the status quo ante position for the pensioners to receive pension through messengers from POSB. ●

## K. Seenumani Retired ASPOs Chennai:

In your editorial in the current issue, you have stressed how the judgements from the honourable judiciary are given the go by in the matter of adherence by the Government at the Centre. Small wonder that the administration is using the chink in the arguments that the case falls under “in personam ” as against “in rem .” Unless this thin wire of distinction is legally solved, it is difficult for the working class to get away with the trophy of success. We have to know which side of the bread is buttered and reschedule our strategy.

**Editor:** It is fully agreed and what you have suggested that unless and until the distinction between the legal terminologies are legally solved it is extremely difficult to advance in many areas. AIPRPA has already therefore suggested that all Pensioners Associations shall come together and wage a legal battle in the highest court to put a full stop to the Government’s escapism by not implementing all the judgements in favour of workers to all similarly placed. Let us trust that the day will come and all organizations will see the necessity clearly and come together for a legal battle unitedly.

**K.K.Saw Working President AIPRPA Giridih Jharkhand:** It is brought to your kind notice that the revised order relating to enhanced rate of family pension is effective from 1/10/2019 in respect of all family pension cases falling between 1/10/2009 to 30/9/2019 and not from the date of following the date of death that happened during these period. But in Giridih Division one case of Meena Devi whose husband died on 27/9/2014, her enhanced rate of family pension was implemented w.e.f 28/9/2014 for 10 years i.e. up to 27/9/2024 by DAP Office Ranchi, whereas this should be effective from 1/10/2019 to 30/9/2029 and not from 28/9/2014. The date of revised rulings of implementing the enhanced rate of family pension is self-explanatory and very clear for the cases that happened between 1/10/2009 to 30/9/2019. The para 2(b) as ( 3A) of the Gazette notification of English version which is appended below for your kind perusal in which the effective date has clearly been mentioned as “WEF 1/10/2019”. Under the circumstances and warranted facts of rulings as set forth above I do humbly request your honour to kindly arrange to clarify the issue under reference/question and intimate as to whether the action of DAP, Ranchi is in order.

**Editor:** Please let us understand the reason for which the full pension was granted to the spouse of deceased Government Servants without putting even 7 years of continuous service. The family needs the assistance of

full pension more when the employee dies. This is the main reason for granting the amendment. The amendment is effective from 1st October 2019. This does not mean that any Government Employee died before 2019 and the spouse is in receipt of reduced family pension should be given at the rate of full pension from 01.10.2019 for the next ten years till 2029. But unfortunately, this interpretation is also available in the OM.

If the difference between the full pension and the reduced pension paid from 28.09.2014 to till date is ordered to be paid as arrears and the full pension continued till completion of 10 years in 2024, the order issued by Ranchi DPA seems to be correct. Please contrast this with another order issued by Chennai DPA for a family pensioner at Coimbatore. According to that order issued in favour of the spouse of the Postman died on 27.05.2016, the enhanced family pension was ordered for a period from 1.10.2019 to 26.05.2026 (only for 6 years and 8 months only) and reduced family pension from not only 27.05.2026 but also for the period from 28.05.2016 to 30.09.2019! Here not only the date of effect was given from 1.10.2019 but also it was stopped on the exact date when the 10 years period of the death of the government servant ended! In effect, there is no enhanced family pension for 10 years period! But in the Ranchi DPA interpretation, it is given from the following day of death to 10 years up to 27.09.2024. In Chennai it is given only from 1.10.2019 to 26.05.2026 for a period of less than 7 years!

There is an obvious interpretation difference between DAPs of one Circle and another. The difference in interpretation is as to whether the period of the enhanced family pension starts from the day following the death of the government servant or from 1.10.2019? Not only that. The difference is also over the period of payment of enhanced family pension as to whether it should be paid for 10 years time or only for that time when the 10 years ends from 1.10.2019. In the second interpretation as in Chennai DPA, there will not be enhanced family pension for 10 years period. Between Chennai and Ranchi, the Ranchi interpretation is advantageous. Anyway, the interpretation that enhanced family pension has to be paid for 10 years for all cases from 01.10.2019 seems to be a wrong interpretation emanating from the OM itself but read along with the amended Sub Rule 3 of Rule 54 of CCS (Pension) Rules, 1972 this particular interpretation goes away. The Hand Book on Family Pension Rules issued by the Pension Ministry also clarifies the actual Rule position.

However, the AIPRPA CHQ had written to the Government to remove the ambiguity in the said OM dated 19.09.2019 and clarify which line to be followed by all uniformly.

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