



कार्यालय रक्षा लेखा प्रधान नियंत्रक (पेंशन)
OFFICE OF THE PR. CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS)
द्रौपदी घाट इलाहाबाद -211014
DRAUPADI GHAT, ALLAHABAD- 211014

Circular No C -166

No. G1/C/077/ Vol-XIII/Tech
O/o the PCDA (P), Allahabad
Dated: 16 /06/2017

To,

(All Head of Department under Min. of Defence)

**Sub: - Counting of former AF Service (Army/Navy/AF) towards Civil Services-
Clarification regarding...**

On the introduction of New Pension Scheme, counting of Former Service was stopped. GOI, DP&PW vide their OM No. P&PW OM No.28/30/2004- P&PW (B) dated 26 July, 2005 followed by OM dated 28.10.2009 allowed counting of Former Service for such employees only who have been mobilized after submitting technical resignation for new appointment in the new Ministry/Department/Central Autonomous bodies subject to fulfillment of other prescribed condition.

2. The subject matter was referred for clarification as to whether benefits of counting of former service as per Rule 19 of the CCS (Pension) Rules 1972 is allowed to those reemployed Ex-Servicemen who have been appointed to civil establishment on or after 01.01.2004 on the issuance of GOI DP&PW vide their OM No. P&PW OM No.28/30/2004- P&PW (B) dated 26 July, 2005 followed by OM dated 28.10.2009.

3. In this regard competent authority has issued following clarifications:-

- i. Vide Rule 2 of the CCS(Pension) Rules 1972 are not applicable to those who have been appointed to civil establishment on or after 01.01.2004 i.e. benefits of Rule 19 of the CCS(Pension) Rules 1972 are also not available to those appointed to civil establishment on or after 01.01.2004.
- ii. DP&PW vide their OM No 28/30/2004-P&PW (B) dt. 26.07.2005 followed by 28.10.2009 had allowed counting of former service for those employees only who have been mobilized **after submitting technical resignation** for new appointment in

the new Ministry/Department/Central Autonomous Bodies subject to fulfillment of other conditions i.e. unless and until Armed Forces Personnel had joined new service after rendering technical resignation for joining the new post, he/she shall not be covered under Deptt. of P&PW OM No. 28/30/2004 P&PW (B) dt. 28.10.2009.

3. Therefore, it is requested that all similarly placed cases may be regulated accordingly. Cases where benefits of Rule 19 of the CCS(Pension) Rules 1972 have been given to those appointed to a civil establishment on or after 01.01.2004 may be reviewed de-novo and necessary action may be taken in each case in consultation with Pay Controllers.

4. In view of the foregoing, you also are requested to issue suitable instructions (along with copy of this circular) to all the Head of Offices under your administrative control to ensure that claim on the subject matter henceforth are floated in accordance with clarification given in above Para.

(Rajeev Ranjan Kumar)
Dy. CDA (P)

No: G1/C/077/ Vol-XIII/Tech

Dated: 16/06/2017

Enclosure: - As above

Copy to:-

1. The CGDA, Ulan Batar Road Palam, Delhi Cantt-10
2. All Pr. CDA /CDA / C of F&A (Fys)/CDA (Fund)
3. All G.M. Fys.
4. All CE/Nodal CE of various Commands.

(S. P. Pandey)
Sr. AO (P)

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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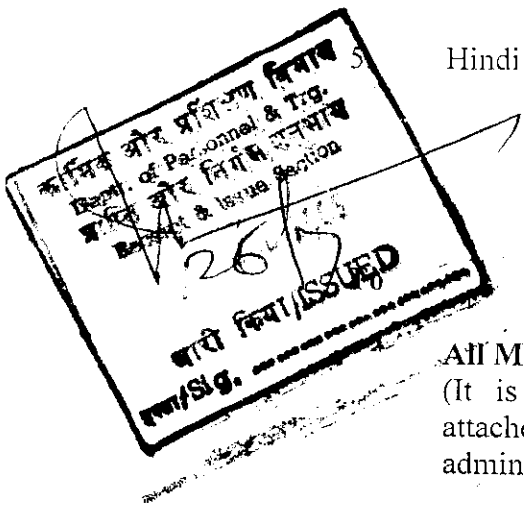
new appointment on or after 1-1-2004, cannot be allowed to join the old pension scheme under Central Civil Services (Pension) Rules, 1972 because entry to the said scheme ceased w.e.f. 31-12-2003 and no new entry can be allowed in the pension scheme under above Rules. However, such employees can seek 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.

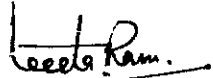
- (iii) All the Central Government employees who entered Central Government service or the service of an Autonomous Body set up by Central Government, on or before 31-12-2003 and who were governed by old pension scheme under the Central Civil Services (Pension) Rules, 1972 and who submit technical resignation 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.




(Geeta Ram)
Director (PW)
Phone: 24624752

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)

No. 28/30/2004-P&PW (B)
Ministry of Personnel, Public Grievances and Pension
Department of Pension and Pensioners' Welfare

Lok Nayak Bhavan, Khan Market
New Delhi-110003
Dated, the 28th October, 2009

OFFICE MEMORANDUM

Subject: - Mobility of personnel amongst Central /State & Autonomous Bodies while working under Pensionable establishments – regarding.

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The undersigned is directed to say that while introducing the New Pension Scheme from 1/1/2004, amendments to various existing rules including Rule 2 of the CCS (Pension) Rules, 1972 were made whereby these rules became inapplicable to those appointed to Central Govt. Services and posts from 1/1/2004. Also the new and changed position obtaining on mobility of personnel between Central Government departments; between Central and State Governments ; and between Govt. departments and autonomous bodies on technical resignation from 1/1/2004 under these rules were clarified vide OM of even number dated 26/7/2005.

2. The position has been further reviewed by the Government of India and it has been decided to continue mobility of Govt. servants/Autonomous body employees appointed on or before 31.12.03 and who were governed under the old non-contributory Pension scheme of their respective Governments/organizations in order to provide for the continuance of Pensionary benefits based on combined service in accordance with the CCS (Pension) Rules, 1972 as under:-

- a. between the Central Govt. departments covered under CCS (Pension) Rules, 1972; and Railway Pension Rules, 1993 or other similar non-contributory pensionable establishments of Central Govt. covered by old Pension Rules other than CCS (Pension) Rules, 1972 ;
- b. between State and Central Govt provided the employees were appointed in the State Govt (s) on or before 31.12.2003 and covered under old pension scheme similar to CCS (Pension) Rules, 1972;
- c. the pre-existing arrangement of mobility between State/Central Autonomous Body to Central/State Govt. and between autonomous bodies that were governed by old pension schemes in force upto 31/12/2003 vide No 28/10/84-P&PW dated 7/2/1986 and OM. No 28/10/84-Pension unit dated 29/8/1984 stand restored although those under CPF etc. will not be allowed entry into the old pension scheme on appointments from 1/1/2004.

3. These instructions modify/supersede provisions in the OM of even number dated 26/7/2005 to the extent as indicated above and take effect from 1.1.2004.



4. This issues with the concurrence of Department of Expenditure vide their UO No. 335/EV/2009 dt 5/10/2009 and in consultation with C&AG vide their U.O. No.93-audit (Rules)/28-2009 dated 09-10-2009.



(Raj Singh)
Director

To

1. All Central Govt. Ministries/ Departments.
2. Chief Secretaries of all State Governments/UTs
3. Accountant Generals in the States and UTs
4. Department of Expenditure, Ministry of Finance, North Block, New Delhi
5. C&AG, Bahadur Shah Zafar Marg, New Delhi.
6. Ministry of Railways, Railway Board, for information, New Delhi.
7. Department of Financial Services, Jeevan Deep Building, Parliament Street, N.Delhi
8. CGA, Department of Expenditure, 7th Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
9. NIC for posting on the website of this department pensionersportal.gov.in .



(Raj Singh)
Director