



All communications should be addressed to
the Secretary by designation and not by name

No.F.71-6/2012 (CU)

March, 2013

3rd APR 2013

The Registrar
All Central Universities (39)

Sub: Clarification on fixation of pay of re-employed Pensioners – regarding.

Sir,

It has been brought to the notice of UGC that some of the Central Universities are fixing the pay of re-employed pensioners in violation of the rules framed by the Government of India. It may be noted that the pay fixation of re-employed pensioners needs to be regulated in terms of DOPT, Govt. of India OM No. F.3/19/2009 – Estt. (Pay – II) dated 5.04.2010 (copy enclosed) as per CSS (RP) Rules, 2008, as notified by Govt. of India, DOPT vide O.M. No. 3/19/2009-Estt. (Pay II) dated 5th April, 2010. The fixation of pay of pensioners re-employed in Central Government Civilian posts is being regulated as under :-

- (1) Re-employed Pensioners shall be allowed to draw pay only in the prescribed pay scale / pay structure of the post in which they are re-employed. No protection of the scales of pay / pay structure of the post held by them prior to retirement shall be given. Under the provisions of CCS(RP) Rules, 2008, revised pay structure comprises the grade pay attached to the post and the applicable pay band.
- (2) In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed as per entry pay in the revised pay structure of the re-employed post applicable in the case of direct recruits appointed on or after 1.1.2006 as notified vide Section II, Part A of First Schedule to CCS(RP) Rules, 2008.
- (3) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial basic pay on re-employment shall be fixed at the same stage as the last basic pay drawn before retirement. However, he shall be granted the grade pay of the re-employed post. The maximum basic pay cannot exceed the grade pay of the re-employed post plus pay in the pay band of Rs.67000 i.e. the maximum of the pay band PB-4. In all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed Illustration.
- (4) The re-employed pensioner will, in addition to pay as fixed under Para (2) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.

This can be further clarified with following illustration :-

A Joint Secretary in the pay band of Rs.37400-67000 (PB-4) plus GP Rs.8700/- was appointed as OSD in the pay band of Rs.37400-67000 (PB-4) with GP Rs.10000/- after his superannuation. His details at the time of retirement was as under :-

Last pay drawn in PB-4	-	Rs.39300/- + GP ₹8700/-
Pension authorized on retirement	-	Rs.24000/- (No. D.R. will be admissible during the period of re-employment)
Pay to be fixed on re-employment		
Pay in PB-4	-	Rs.39300/-
Grade Pay	-	Rs.10000/-
Total	-	Rs.49300/- (only pay in PB is to be protected not GP of re-employed post)
Minus non-ignorable pension	-	Rs.20000/- (Pension Rs.24000 – Rs.4000/- * ignorable pension)
Net Pay	-	Rs.29300/- (But DA/HRA etc. will be admissible on Rs.49300/-)

* Para 6 of DOPT OM No. 3/13/2008 – Estt. (Pay – II) dated 11.11.2008 (copy enclosed).

Yours faithfully,



(Ritu Oberoi)
Under Secretary

atc
Heyadar
28/3/13

LIST OF 39 UNIVERSITIES (NEW & OLD)

S.No	Name of Central University	D.O.E.	Address of Central University
1.	Aligarh Muslim University	30.12.1920	Aligarh, U.P.-202 002
2.	Banaras Hindu University	1916	Varanasi, U.P. 221 005
3.	University of Delhi	1922	Delhi – 110 007
4.	University of Hyderabad	2.10.1974	Hyderabad, Andhra Pradesh – 500 046
5.	Jamia Millia Islamia	26.12.1988	Jamia Nagar, New Delhi – 110 025
6.	Jawahar Lal Nehru University	14.11.1969	New Mehrauli Road, New Delhi – 110 067
7.	North Eastern Hill University	19.7.1973	NEHU Campus, Shillong, Meghalaya – 793 022
8.	Pondicherry University	16.10.1985	R. Venkataraman Nagar, Kalapet, Puducherry, Pondicherry – 605 014
9.	Visva Bharati	14.5.1951	Shantiniketan, West Bengal – 731 235
10.	Assam University	21.1.1994	PO: Assam University, Silchar - 788 011
11.	Tezpur University	21.1.1994	Napaam, Sonitpur, Assam - 784 028
12.	Nagaland University	6.9.1994	Campus Kohima, Headquarter Lumani, Nagaland – 797 001
13.	Babasaheb Bhimrao Ambedkar University	10.1.1996	Vidya Vihar, Rae Bareilly Road, Lucknow, U.P. – 226 025
14.	Mizoram University	25.4.2000	Post Box No. 190, Aizwal, Mizoram – 796 009
15.	Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya	29.12.1997	Post Box No. 16, Panchtila, Umri Village, Arvi Road, Wardha, Mumbai – 442 001
16.	Maulana Azad National Urdu University	9.1.1998	Gachibowli, Hyderabad, Andhra Pradesh – 500 032
17.	University of Allahabad	14.7.2005	Allahabad, U.P.-211 002
18.	Manipur University	13.10.2005	Imphal, Manipur – 795 003
19.	Rajiv Gandhi University	9.4.2007	Rono Hills, P.O. Doimukh, Itanagar, Arunachal Pradesh – 791 112
20.	Tripura University	2.7.2007	Suryamaninagar, Agartala, Tripura – 799 130
21.	English and Foreign Languages University	2007	O.U. Campus, Hyderabad, Andhra Pradesh – 500 007
22.	Sikkim University	2.7.2007	6 th Mile, Samdur, P.O. Tadong, Gangtok, Sikkim-737 102
23.	The Indira Gandhi National Tribal University	02.2008	Amarkantak, Madhya Pradesh
24.	Hemwati Nandan Bahuguna Garhwal University	15.1.2009	Srinagar, Garhwal-246 174
25.	Guru Ghasidas Vishwavidyalaya	15.1.2009	Bilaspur, Chhatisgarh, - 495 009
26.	Dr. Harisingh Gour Vishwavidyalaya	15.1.2009	Sagar, Madhya Pradesh-470 003
	University College of Medical Science	1971	Dilshad Garden, New Delhi - 110095

S.No	Name of Central University	D.O.E.	Address of Central University
27.	Central University of Bihar	15.1.2009	BIT Campus, P.O. – B.V. College, Patna – 800 014.
28.	Central University of Gujarat	15.1.2009	Sector-30, Gandhinagar – 382 030
29.	Central University of Haryana	15.1.2009	Temporary Camp Office, Govt. B.Ed. College Building, Narnaul, Distt. Mahendergarh
30.	Central University of Himachal Pradesh	15.1.2009	PO Box No.21, Dharamashala, Dist-Kangra, Himachal Pradesh-176215
31.	Central University of Kashmir	15.1.2009	Transit Campus: Sonwar, Near GB Pant Hospital, Srinagar – 190 004 (J&K)
32.	Central University of Jharkhand	15.1.2009	Ratu-Lohardaga Road, Brambe, Ranchi – 835 205, Jharkhand
33.	Central University of Karnataka	15.1.2009	2nd Floor, Karya Saudha, Gulbarga University, Gulbarga – 585 106
34.	Central University of Kerala	15.1.2009	BKM Towers, Nayanmar Moola. Vidyanagar P.O., Kasaragod – 671 123
35.	Central University of Orissa	15.1.2009	Type-C, Block-4, New, Govt. Colony, Gajapati Nagar, Bhubaneshwar – 751 017
36.	Central University of Punjab	15.1.2009	City Campus, Mansa Road, Bathinda – 151 001, Punjab
37.	Central University of Rajasthan	15.1.2009	NH-8, Bandar Sindri, Dist-Ajmer – 305 801, Rajasthan
38.	Central University of Tamil Nadu	15.1.2009	C/O. Collectorate Annexe, Tiruvarur – TN-610 001
39.	Central University of Jammu	15.1.2009	8/8 Trikuta Nagar, Jammu – 180 012

No. 3/19/2009-I.stt. (Pay II)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

New Delhi, Dated: 5th April, 2010.

OFFICE MEMORANDUM

Subject: Applicability of CCS (RP) Rules, 2008 to persons re-employed in Government Service after retirement and whose pay is debitable to Civil Estimates.

The undersigned is directed to refer to this Department's O.M. No. 3/13/2008-Estt. (Pay II) dated 11th November, 2008 on the above-mentioned subject. Certain references have been received seeking clarification regarding the manner of fixation of pay of retired Defence Forces personnel/officers re-employed in Central Government Civilian posts, after the implementation of CCS (RP) Rules, 2008. This has been considered in consultation with Department of Expenditure. The pay fixation of re-employed pensioners on re-employment in Central Government, including that of Defence Forces personnel/officers, is being done in accordance with CCS (fixation of pay of re-employed pensioners) Orders, 1986, issued vide this Department's O.M. No. 3/1/85-Estt. (Pay II) dated 31st July, 1986 (as revised from time to time).

2. After the introduction of the system of running pay bands and grade pays, it has been decided to amend the relevant provisions of CCS (fixation of pay of re-employed pensioners) Orders, 1986 in the manner indicated below: -

Existing provision	Proposed revised provision
<p>Para 4(a): Re-employed pensioners shall be allowed to draw pay only in the prescribed scales of pay of the posts in which they are re-employed. No protection of the scales of pay of the posts held by them prior to retirement shall be given.</p>	<p>Para 4(a): Re-employed pensioners shall be allowed to draw pay only in the prescribed pay scale/pay structure of the post in which they are re-employed. No protection of the scales of pay/pay structure of the post held by them prior to retirement shall be given.</p> <p><i>Note: Under the provisions of CCS (RP) Rules, 2008, revised pay structure comprises the grade pay attached to the post and the applicable pay band.</i></p>
<p>Para 4(b)(i): In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post.</p>	<p>Para 4(b)(i): In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed as per entry pay in the revised pay structure of the re-employed post applicable in the case of direct recruits appointed on or after 1.1.2006 as notified vide Section II, Part A of First Schedule to CCS (RP) Rules, 2008.</p>

<p>Para 4(b)(i): In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on re-employment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed post, the pay shall be fixed at the stage next above that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of pay of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than the last pay drawn by him before retirement, his initial pay shall be fixed at the minimum of the scale of pay of the re-employed post. However, in all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.</p>	<p>Para 4(b)(ii): In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial basic pay on re-employment shall be fixed at the same stage as the last basic pay drawn before retirement. However, he shall be granted the grade pay of the re-employed post. The maximum basic pay cannot exceed the grade pay of the re-employed post plus pay in the pay band of Rs.67000 i.e. the maximum of the pay band PB-4. In all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.</p> <p>Illustration</p> <p>A Colonel who retired with basic pay of Rs.61700 (grade pay Rs.8700; pay in the pay band Rs.53000) is re-employed as a Deputy Secretary in an organization with grade pay of Rs.7600. In this case, on re-employment, his basic pay will continue to be Rs.61700. However, his grade pay on re-employment will be Rs.7600 and the pay in the pay band Rs.54100. Thereafter, the non-ignorable part of the pension will be reduced from the pay so fixed.</p> <p>Note: In the revised pay structure, basic pay is pay in the pay band plus the grade pay attached to the post.</p>
<p>Para 4(c): The re-employed pensioner will, in addition to pay as fixed under Para (b) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.</p>	<p>Para 4(c): No change.</p>
<p>Para 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for initial pay fixation in the following extent:-</p> <p>(i) In the case of ex-servicemen who held posts below Commissioned Officer rank in the Defence Forces and in the case of civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.</p> <p>(ii) In the case of service officers belonging to the Defence Forces and Civilian pensioners who held Group 'A' posts at</p>	<p>Para 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for initial pay fixation in the following extent:-</p> <p>(i) No change.</p> <p>(ii) In the case of Commissioned Service officers belonging to the Defence Forces and Civilian pensioners who held Group 'A'</p>

<p>1 time of their retirement, the first Rs. 500/-* of the pension and pension equivalent retirement benefits shall be ignored. (*Already revised to Rs. 4000/- vide O.M. No. 3/13/2008-Estt. (Pay II) dated 11th November, 2008)</p>	<p>posts at the time of their retirement, the first Rs.4000/- of the pension and pension equivalent retirement benefits shall be ignored.</p>
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3. Apart from the above, it is also clarified as under: -

- (i) **Drawal of increments:** Once the initial pay of the re-employed pensioner has been fixed in the manner indicated above, he will be allowed to draw normal increments as per the provisions of Rule 9 and 10 of CCS (RP) Rules, 2008.
- (ii) **Allowances:** The drawal of various allowances and other benefits in the revised pay structure shall be regulated with reference to the grade pay of the re-employed post or the basic pay, as the case may be.
- (iii) **Treatment of Military Service Pay (MSP):** MSP is granted to Defence Forces officers/personnel while they are serving in the Defence Forces. Accordingly, on their re-employment in civilian organizations, including secret organizations under the Cabinet Secretariat umbrella, the question of grant of MSP to such officers/personnel does not arise. However, the benefit of MSP given to all retired Defence Forces officers/personnel by reckoning it at the time of calculation of their pension (notionally in the case of pre-1.1.2006 pensioners) should not be withdrawn. Accordingly, while the pension of such re-employed pensioners will include the element of MSP, they will not be granted MSP while working in civilian organizations.
- (iv) **Fixation of pay of personnel/officers re-employed prior to 1.1.2006 and who were in employment as on 1.1.2006:** In the case of personnel/officers who were re-employed before 1.1.2006 and who were working in the Central Government organizations on re-employment basis as on 1.1.2006, their pay will be fixed in accordance with the provisions of DOPT O.M. No.3/13/2008-Estt.(Pay II) dated 11.11.2008. This O.M. stipulates that re-employed persons who become eligible to elect revised pay structure shall exercise option in the manner laid down in Rule 6 of CCS (RP) Rules, 2008 and their pay shall be fixed in accordance with the provisions of Rule 7 of CCS (RP) Rules, 2008. In this context, it is clarified that in accordance with the provisions of Rule 7 of CCS (RP) Rules, 2008, Department of Expenditure issued fitment tables corresponding to each pre-revised pay scale vide O.M. No.1/1/2008-IC dated 30.8.2008. In the case of those personnel/officers as well, who were re-employed before 1.1.2006 and who were working in the civilian organizations on re-employment basis as on 1.1.2006, their pay will be fixed with reference to the fitment table of the **pre-revised civilian pay scale** in which they were re-employed and corresponding to the stage in the pre-revised pay scale as on 1.1.2006.
- (v) **Fixation of pay of personnel/officers who retired prior to 1.1.2006 and who have been re-employed after 1.1.2006:** In the case of personnel/officers who had retired prior to 1.1.2006 and who have been re-employed after 1.1.2006, their pay on re-employment will be fixed by **notionally** arriving at their revised basic pay at the time of retirement as if they had retired under the revised pay structure. This will be done with reference to the fitment table of the Defence Service Rank/Civilian service post (as the case may be) from which they had retired and the stage of basic pay at the time of their retirement. Their basic

(21)

pay on re-employment will be fixed at the same stage as the notional last basic pay before retirement so arrived at. However, they shall be granted the grade pay of the re-employed post. The maximum basic pay cannot exceed the grade pay of the re-employed post plus pay in the pay band of Rs.67000 i.e. the maximum of the pay band PB-4. In all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.

4. The existing instructions on the subject shall be treated as amended to this extent.

5. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders are being issued after consultation with the Comptroller & Auditor General of India.


(Rita Mathur)
Director

To

All Ministries/Department (As per standard list attached)

✓ **Copy to :** Director (NIC), Department of Personnel & Training, to upload the O.M. on this Department's website under the Head "Establishment (Pay)", Sub-Head "Pay Rules" & under the caption "What's New".

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5. Additional Secretary (Union Territories), Ministry of Home Affairs.
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9. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pensioners' Welfare.
10. Ministry of Finance, Department of Expenditure
11. 25 spare copies.


(Rita Mathur)
Director

No. 3/13/2008-Estt. (Pay II)

Government of India

Ministry of Personnel, Public Grievances & Pension

Department of Personnel & Training

11th November
New Delhi, the 10th October, 2008.

OFFICE MEMORANDUM

Subject: Applicability of CCS (RP) Rules, 2008 to persons re-employed in Government Service after retirement and whose pay is debitable to Civil Estimates.

Persons re-employed in Government service after retirement have been excluded from the purview of the Central Civil Services (Revised Pay) Rules, 2008 vide Rule 2 (2)(vii) thereof. The question of extension of the benefit of the revised pay rules to these persons and the procedure to be followed for fixing their pay in the revised scales has been considered by the Government. The President is pleased to decide that, in partial modification of the Rule 2 (2)(vii) of the Central Civil Services (Revised Pay) Rules, 2008, the provisions of these rules shall apply to such persons also who were in re-employment on 1st January, 2006, subject to the orders hereinafter contained. This decision will cover all Government servants re-employed in Central Civil Departments other than those employed on contract whether they have retired with or without a pension and/or gratuity or any other retirement benefits, e.g. contributory fund etc. from a civil post or from the Armed Forces.

2(i). The initial pay of a re-employed Government servant who elects or is deemed to have elected to be governed by the revised pay scale from the 1st day of January, 2006 shall be fixed in the following manner namely -

- According to the provisions of Rule 7 of the C.C.S. (R.P.) Rules, 2008, if he is-
- (i) a Government servant who retired without receiving a pension, gratuity or any other retirement benefit and
 - (ii) a retired Government servant who received pension or any other retirement benefits but which were ignored while fixing pay on re-employment."

2 (ii). The Initial pay of a re-employed Government servant who retired with a pension or any other retirement benefit and whose pay on re-employment was fixed with reference to these benefits or ignoring a part thereof, and who elects or is deemed to have elected to be governed by the revised scales from the 1st day of January, 2006 shall be fixed in accordance with the provisions contained in Rule 7 of the Central Civil Services (Revised Pay) Rules, 2008. In addition to the pay so fixed, the re-employed Government servant would continue to draw the retirement benefits he was permitted to draw in the pre-revised scales, as modified based on the recommendations of the Sixth Central Pay Commission, orders in respect of which have been issued separately by the Department of Pension & Pensioners Welfare. However, an amount equivalent to the revised pension (excluding the ignorable portion of pension, wherever permissible), effective from 1.1.2006 or after, shall be deducted from his pay in accordance with the general policy of the Government on fixation of pay of re-employed pensioners. Annual increments will be allowed in the manner laid down in Rule 10 of Central Civil Services (Revised Pay) Rules, 2008, on the entire amount of pay as if pension had not been deducted.

3. Re-employed persons who become eligible to elect revised scales in accordance with these orders should exercise their option in the manner laid down in Rule 6 of the Central Civil Services (Revised Pay) Rules, 2008, within three months of the date of issue of these orders or in cases where the existing scales of pay of the posts held by them are revised subsequent to the issue of these orders, within three months of the date of orders/notification revising the scales.

4. Where a re-employed Government servant elects to draw his pay in the existing scale and is brought over to revised scale from a date later than the 1st day of January, 2006, his pay from the later date in the revised scale shall be fixed in accordance with the provisions of Rule 11 of the Central Civil Services (Revised Pay) Rules, 2008.

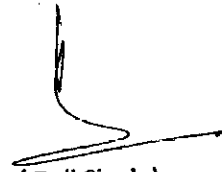
5. Further, the existing ceiling of Rs. 26000/- for drawal of pay plus gross pension on re-employment is enhanced to Rs. 80,000/-, the maximum salary payable to the Secretary to the Government of India under Central Civil Services (Revised Pay) Rules, 2008.

6. The President is also pleased to enhance the ignorable part of pension from Rs. 1500/- to Rs. 4000/- (Rupees four thousand) in the case of Commissioned

Service officers and civil officers holding Group 'A' posts who retire before attaining the age of 55 years. The existing limits of civil and military pensions to be ignored in fixing the pay of re-employed pensioners will, therefore, cease to be applicable to cases of such pensioners as are re-employed on or after 1.1.2006. In the case of persons who are already on re-employment, the pay may be fixed on the basis of these orders with effect from 1.1.2006, provided they opt to come under these orders. If they so opt, their terms would be determined afresh as if they have been re-employed for the first time from 1.1.2006. The option should be exercised in writing within three months from the date of issue of these orders. The option once exercised is final.

7. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders are being issued after consultation with the Comptroller & Auditor General of India.

8. These orders shall take effect from 1.1.2006.


(Roli Singh)

Director to the Government of India.

To

All Ministries/Department (As per standard list attached)

Copy to : Director (NIC), Department of Personnel & Training, to upload the O.M. on this Department's website under the Head "Establishment (Pay)", Sub-Head "Pay Rules".

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7. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi
8. All Members of the Staff Side of the National Council of JCM/Departmental Council.
9. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pensioners' Welfare.
10. Ministry of Finance, Department of Expenditure
11. 50 spare copies.


(Roli Singh)

Director to the Government of India.