

No. A-29018/2/2016-PE-I

Government of India

Ministry of Shipping

(PHRD)

Transport Bhavan,
1, Parliament Street,
New Delhi - 110001

Dated: 5th February, 2020

To,

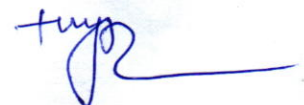
1. The Chairpersons, All Major Port Trusts
2. The Chairman, Calcutta Dock Labour Board.

Subject: Revision of Pension and other pensionary benefits of Class I and Class II officers of the Major Ports/Dock Labour Board who have retired on or after 01.01.2017- reg.

Sir/Madam,

A Pay Revision Committee was set up by the Government vide OM No. A-29018/2/2016-PE-I dated the 20th October, 2016 to formulate the proposals for the pay revision of Class I & Class II officers of Major Port Trusts and Dock Labour Board to be effective from 01.01.2017. The recommendations made by this Committee in respect of pension consolidation, etc. have been considered and approval of the competent authority is hereby accorded for revision of pension and pensionary benefits of officers of Major Port Trusts/Dock Labour Board who have retired on or after 01.01.2017, as under:-

1.0 Employees appointed on or after 01.01.2004 shall continue to be governed under the New Pension Scheme (NPS) for autonomous bodies.



DATE OF EFFECT

2.1 The revised provisions as per these Orders shall apply to Government servants who retire/die on or after 01.01.2017. Separate order have been issued in respect of employees who retired/died before 01.01.2017. Employees appointed on or after 01.01.2004 shall continue to be governed under the New Pension Scheme (NPS) for autonomous bodies.

2.2 Where pension/family pension/Commutation of pension, etc. has already been sanctioned in cases occurring on or after 01.01.2017, the same shall be revised in terms of these orders. In cases where pension has been finally sanctioned on the pre-revised orders and if it happens to be more beneficial than the pension becoming due under these orders, the pension already sanctioned shall not be revised to the disadvantage of the pensioner.

PENSION

3.1 The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the minimum of the revised pay scale of the post corresponding to the pre-revised pay scale of the post from which the pensioner had retired, if they had qualifying service of 20 years or more at the time of retirement. The pension in no case shall be less than 50% of the minimum of the lowest pay scale in the Major Port Trusts.

3.2 The quantum of pension/family pension available to the old pensioners/family pensioners shall continue to be as follows:-

Age of pensioner/family pensioner	Additional quantum of pension
From 80 years to less than 85 years	20% of basic pension/family pension
From 85 years to less than 90 years	30% of basic pension/family pension



From 90 years to less than 95 years	40% of basic pension/family pension
From 95 years to less than 100 years	50% of basic pension/ family pension
100 years or more	100% of basic pension/family pension

3.3 No commutation will be admissible on additional amount of pension accruing as a result of revision. Since the consolidated pension will be inclusive of commuted portion of pension, if any, the commuted portion will be deducted from the said amount while making monthly disbursements.

3.4 The Port officers shall continue to be entitled to commute pension for a lumpsum payment upto 40% of pension as per the revised commutation table. Whenever the commutation table is further revised, the same shall be made applicable to Port officers.

4.0 While implementing the pay revision order dated 03.08.2010, some Port Trusts had upgraded the pre revised pay scale of Rs. 9,100-15,100/- to 10,750-16,750/- on 31.12.2006 and then revised the pay scales to Rs. 20,600-46,500/- on 01.01.2007. This issue was examined by this Ministry in consultation with Department of Expenditure and clarification was issued on 23.11.2016. The clarification issued by this Ministry has however, been challenged in the Hon'ble Calcutta High court and Mumbai High Court which is now the subject matter in the pending W.P No. 1128 of 2016 and pending W.P No 1703 of 2017 respectively. The pension of the officers affected by the above mentioned litigation may be revised w.e.f. 01.01.2017 or thereafter but no arrears shall be paid or recoveries shall be made till the final outcome of the above said Court cases. This fixation is an interim measure. Final settlement of such cases shall be based on the decision of the Hon'ble Courts in the said cases.

5.0 This Pension Consolidation Order shall be implemented by the Major Port Trusts only after rectifying the anomalies, if any, done by some Ports in respect



of officers who retired on or after 01.01.2017, by upgradation of pay scales, grant of bunching increments and stepping up of pay, as directed by this Ministry's letter no. A-29018/4/2019-PE-I dated 01st October, 2019. Ports shall submit a confirmation to this effect to the Ministry.

FIXED MEDICAL ALLOWANCE

6.1 Eligible pensioners will receive fixed medical allowance at a revised rate of Rs. 1000/- per month w.e.f. 01.07.2017.

FAMILY PENSION

7.1 For the purpose of grant of Family Pension, the 'Family' shall be categorized as under:-

CATEGORY-I

- (a) Widow or widower, upto the date of death or remarriage, whichever is earlier,
- (b) Son/Daughter (including widow daughter), upto the date of his/her marriage/remarriage or the date he/she starts earning or till the age of 25 years, whichever is the earliest.

CATEGORY-II

- (a) Unmarried/widow/divorced daughter, not covered by Category-I above, upto the date of marriage/remarriage or till the date she starts earning or upto the date of death, whichever is the earliest.
- (b) Parents who are wholly dependent on the employee when he/she was alive provided the deceased employee had left behind neither a widow nor a child. Family Pension to dependent parents, unmarried/divorced/widowed daughter will continue till the date of death.

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(c) Dependent disabled siblings. Family Pension to dependent disabled siblings will continue till the date of death.

7.2 Family Pension to unmarried/widowed/divorced daughters in Category-II and dependent parents and dependent disabled sibling shall be payable only after the other eligible family members in Category-I have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category.

7.3 For the purpose of Family pension/enhanced family pension, the rule position as per Rule 54 of the CCS (Pension) Rules, 1972 would be applicable.

8.0 For the purpose of commuting average emoluments in the case of officers who have opted for fixation of pay in the revised pay scales and retire within 10 months from the date of coming over to the revised pay scales, basic pay for 10 months period shall be calculated as follows:-

- i) For the period during which pay is drawn in the revised pay structure, pay drawn in the revised scales of pay.
- ii) For the remaining period during which pay is drawn in pre-revised scales of pay.

Basic pay + Dearness Pay and actual DA appropriate to the basic pay at the rates in force on 01.01.2017 drawn during the relevant period.



9.0 The additional expenditure involved on implementation of these orders will be met by the Port Trusts from its own resources and no budgetary support will be provided by the Central Government for the same.

10.0 The above mentioned consolidation of pension is subject to audit.

11.0 Any excess payment made to the pensioner(s) due to this pension consolidation order shall be recovered from the pensioner(s) concerned as and when it comes to the notice.

12.0 If there are any confusion/ doubt with regard to the interpretation of any of the clauses of this order, the matter should be referred to the Ministry of Shipping for clarification.

13.0 The consolidation of pension conveyed in this Order is subject to the final judgment in W.A. No. 1642 of 2017 pending in the Hon'ble High Court of Judicature at Madras, W.P. No. 1128 of 2016 pending in the Hon'ble High Court of Calcutta and W.P. No. 1703 of 2017 pending in the Hon'ble High Court of Judicature at Bombay.

14.0 This issue with the concurrence of the Internal Finance Wing of Ministry of Shipping and approval of competent authorities.

Yours faithfully,




(Rajiv Nayan)

Under Secretary to the Govt. of India

Tel: 011 - 23719492

Copy to:

- i) PS to Minister of State (I/C) (Shipping)
- ii) PS to Secretary (Shipping)
- iii) PS to AS&FA (Shipping)
- iv) All Directors/DS of Ports Wing
- v) Deputy Secretary (Finance), M/o Shipping
- vi) MD, IPA, New Delhi
- vii) Ministry of Finance (Department of Expenditure), New Delhi


(Rajiv Wayan)

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