

## PENSION

### Restoration of commuted portion of pension after 15 years

No. 34/2/1986 P and P.W., Government of India, Ministry of Personnel, P.G. and Pensions (Deptt. of Pension and P.W.), 5th March 87, Nirvachan Sadan, New Delhi-1.

#### OFFICE MEMORANDUM

*Subject:* Restoration of commuted portion of pension after 15 years—Implementation of the judgement of the Supreme Court.

The undersigned is directed to say that under the Civil Pensions (Commutation Rules, 1925 later codified as Central Civil Service (Commutation of Pension) Rules, 1981 and corresponding rules applicable to the Armed Forces Personnel (including officers), All India Service Officers and Railway Pensioners etc., the pensioners are allowed the optional facility of converting a portion of their pension into a lump sum amount. At present the pensioner receives only the balance amount (full pension minus the commuted portion) for the rest of his life.

2. It has been held by the Supreme Court of India in its judgement dated 9th December, 1986 in Writ Petition No. 3958-61 of 1983 that all Central Government pensioners governed by Central Civil Services (Commutation of Pension) Rules, 1981 (and corresponding rules for Armed Forces personnel and officers), All India Service Officers and Railway pensioners and who have commuted the admissible portion of their pension are entitled to have the commuted portion restored, on the expiry of 15 years from the date of retirement.

3. The question regarding implementation of the Supreme Court judgement has been under consideration of the Government. After careful examination of the above judgement, the President has now been pleased to decide that only such Central Government pensioners who have commuted a portion of their pension and on 1st April 1985 or thereafter have completed or will complete 15 years from their respective dates of retirement will have their commuted portion of pension restored.

4. Central Government employees who got themselves absorbed under Central Public Sector Undertakings/autonomous bodies and have received/or opted to receive commuted value for 1/3rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after commuting 1/3rd of pension are not entitled to any benefit under these orders as they have ceased to be Central Government pensioners.

5. Each pensioner who is eligible as in paragraph 3 above is required to apply in the enclosed prescribed form, duly completed, to the Pension Disbursing Authority/Bank/Post Office who will restore the commuted portion of pension if the commuted amount has been mentioned in the Pension Payment Order and will also pay the arrears, if any.

5.1 In cases where the pensioner had completed 15 years from the date of retirement on 1st April 1985 or thereafter and had died subsequently his/her legal heir (s) is/are also entitled to receive arrears with effect from 1st April 1985 (or from the date of completion of 15 years from the date of retirement whichever is later), till the date of the pensioner's death. For this purpose, legal heir (s) may also apply to the pension Disbursing Authority, etc.

5.2 In cases where the PPO does not contain information regarding commuted portion, Pension Disbursing Officer will obtain information from Accounts Offices which issued the PPO.

5.3 The pension disbursing authorities/Banks/Post Offices etc. will intimate to the Accounts Office which had issued the Pension Payment Order, the full particulars of each pension case along with the amount of pension restored for varying the correctness.

6. In their application to pensioners who retired from Indian Audit and Accounts Department, these orders have been issued after consultation with the Comptroller and Auditor General of India.

A. K. PATNAIK,  
*Deputy Secretary to the Govt. of India.*

PRO FORMA

To .....

*Subject:* Restoration of commuted pension after 15 years—Implementation of the judgement of the Supreme Court.

Sir,

Kindly restore my commuted portion of pension in terms of Ministry of Personnel, P.G. and Pension Department of Pension and Pensioners' Welfare O.M. No 34/2/86-P and P.W., dated 5th March, 1987.

Requisite particulars are given below:

1. Name in Block letters .....
2. Date of Retirement .....
3. PC/PPO No: .....
4. Amount of original pension .....
5. Amount of pension commuted (if any) .....
6. Name of the Accounts Officer, viz.,  
the authority who issued  
P.C./P.P.O. ....
7. Name of Treasury/Post Office/  
P.P.M./Other pension disbur-  
sing agency .....

\*Strike if not applicable

Signature of pensioner

Particulars, verified

Signature

Rubber Stamp of Pension Disbursing  
authority

Date:

Postal Address: