

No. Z.28016/32/2013-SSH
Government of India
Ministry of Health & Family Welfare
PMSSY Division

Nirman Bhawan, New Delhi-110011
Dated: 15th March, 2016

To,

Director, AIIMS Bhopal
Director, AIIMS Bhubaneswar
Director, AIIMS Jodhpur
Director, AIIMS Patna
Director, AIIMS Raipur
Director, AIIMS Rishikesh

Subject: Counting of Past Service in respect of Faculty/Non-Faculty personnel of New AIIMS-regarding

Sir,

I am directed to say that the matter of Counting of past service in respect of employees of new AIIMS has been examined in the Ministry of Health and Family Welfare in consultation with Department of Pension and Pensioner's Welfare. Department of Pension and Pensioner's Welfare vide ID Note. No. 28/2/2014-PAPW(B) dated 22.9.2014 advised that in case CCS (Pension) Rules have been adopted for new AIIMS also, then the employees joining them on immediate absorption would be eligible to count their past service for pension in accordance with Ministry of Home Affairs OM No. 28/10/84-Pension Unit dated 29.8.84 read with Department of Pension and Pensioner's Welfare's OM No. 28/30/2004-P&PW(B) dated 26.07.05 and OM No. 28/30/2004-P&PW(B) dated 28.10.09.

2. Regulation 28 of the All India Institute of Medical Sciences Regulations, 1999, inter-alia, provides that the employees of the Institute except those on deputation shall be governed by the Central Civil Services (Pension) Rules, 1972. These Regulations are followed by the new AIIMS also.

3. In view of the above position, all New AIIMS are advised to count the past service for pension in respect of employees joining the Institutes on immediate absorption in accordance with Ministry of Home Affairs OM No. 28/10/84-Pension Unit dated 29.8.84 read with Department of Pension and Pensioner's Welfare's OM No. 28/30/2004-P&PW(B) dated 26.07.05 and OM No. 28/30/2004-P&PW(B) dated 28.10.09(copies enclosed).

4. This issues in consultation with IFD vide their Note with Dy. No.36618 dated 8.3.2016.

Yours faithfully



(Vinod Kumar)

Under Secretary to the Govt. of India
Ph: 23061213

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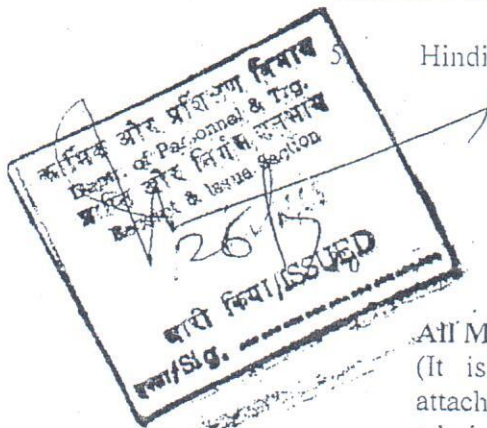
new appointment on or after 1-1-2004, cannot be allowed to join the old pension scheme under Central Civil Services (Pension) Rules, 1972 because entry to the said scheme ceased w.e.f. 31-12-2003 and no new entry can be allowed in the pension scheme under above Rules. However, such employees can seek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

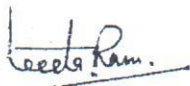
- (iii) All the Central Government employees who entered Central Government service or the service of an Autonomous Body set up by Central Government, on or before 31-12-2003 and who were governed by old pension scheme under the Central Civil Services (Pension) Rules, 1972 and who submit technical resignation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

.....

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.



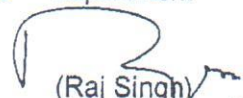
4. This issues with the concurrence of Department of Expenditure vide their UO No. 335/EV/2009 dt 5/10/2009 and in consultation with C&AG vide their U.O. No.93-audit (Rules)/28-2009 dated 09-10-2009.



(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

No.28/10/84-Pension Unit
 Government of India/ Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya
 Department of Personnel and Administrative Reforms
 (Karmik aur Prashasnik Sudhar Vibhag)

New Delhi, the 29th August 1984

OFFICE MEMORANDUM

Subject: **Mobility of personnel between Central Government Departments and Autonomous Bodies – Counting of service for pension –**

As per existing orders, service rendered outside Central Government does not count for pension in Central Government except in the case of scientific employees of autonomous bodies financed or controlled by the Government, who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

2. A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous/statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the case of Central Government employees going over to a Central autonomous body or vice-versa and employees of the Central autonomous body moving to another Central autonomous body may be regulated as per the following provisions:-

- (a) In case of Autonomous Bodies where Pension Scheme is in operation.
 - (i) Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the services rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body *irrespective of whether the employee was temporary or permanent in Government.*

The pensionary benefits will, however, accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employee of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/autonomous body will discharge its pension liability by paying in lumpsum as a one-time payment, the pro-rata pension/service gratuity/terminal gratuity and DCRG for the service upto the date of absorption in the autonomous body/Government, as the case may be. Lumpsum amount of the pro-rata pension will be determined with reference to commutation table laid down in CCS (Commutation of Pension) Rules, 1981, as amended from time to time.

- (ii) A Central Government employee with CPF benefits on permanent absorption in an autonomous body will have the option either to receive CPF benefits which have accrued to him from the Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in the autonomous body by foregoing Government's share of CPF contributions with interest, which will be paid to the concerned autonomous body by the concerned Government Department. *The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulate period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.*
- (b) Autonomous body where the Pension Scheme is not in operation.
- (i) A permanent Central Government employee borne on pensionable establishment, on absorption under such autonomous body will be eligible for pro-rata retirement benefits in accordance with the provisions of the Ministry of Finance O.M. No.26(18)EV(B)/75 dated the 8th April, 1976, as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules would be actually payable to the individual on the date when pro-rata retirement benefits to permanent employees become payable. However, in the case of absorption of a Government employee with CPF benefits, in such an autonomous organisation, the amount of his subscriptions and the Governments' contribution, if any, together with interest thereon shall be transferred to his new Provident Fund account with the consent of that body.
- (ii) An employee of an autonomous body on permanent absorption under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised

within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

- (c) Absorption of employees of one Central Autonomous body to another Central Autonomous body. The above procedure will be followed mutates mutandis in respect of employees going from one autonomous body to another.

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50% of the expenditure of an autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5(1). The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received pro-rata retirement benefits or other terminal benefits for their past service will have the option either:-

- (a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be : or
- (b) to have the past service counted as qualifying service for pension under the new organisation in which case the pro-rata retirement or other terminal benefits, if already received by them, will have to be deposited alongwith interest thereon from the date of receipt of those benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases, where pro-rata retirement benefits have already been sanctioned but have not yet become payable, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The option shall be exercised within a period of one year from the date of issue of those orders. If no option is exercised by such employees within the prescribed time limit, they will be deemed to have opted for retention of the benefit already received by them. The option once exercised shall be final.

5(2). Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in this Office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6 These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured

employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. These orders will take effect from the date of issue and the revised policy as enunciated above will be applicable to those employees who retire from Government/autonomous body service on or after the date of issue of these orders.

The provisions contained in the Ministry of Finance Office Memorandum No.26(18)EV(B)/75 dated the 8th April, 1976 and Office Memorandum No.25(1)EV/83, dated the 8th September 1983 or any other orders shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

8. The Ministry of Education and Culture etc. are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/ Articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

Sd/-

S.R. AHIR
Deputy Secretary to the Government of India

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:-

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(Raj Singh)
Director

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4. Department of Expenditure, Ministry of Finance, North Block, New Delhi
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(Raj Singh)
Director