

4-8(22)/2022-HR-II

Dated 22.8.2022

The Directors/Heads of all CSIR Labs/Instts

Sub: Payment of Dearness Relief and Ceiling of Pay + Pension to Group-A, re- employed pensioners – Reg.

Sir,

Reference is invited to the Chapter IX of Central Civil Services (Pension) Rules, 2021 which deals with the release of Dearness Relief on Pension to re- employed pensioners. With reference to release of Dearness Relief to Group-A re-employed Pensioner of CSIR, following provisions of Chapter IX / Rule 52 Rule CCS (Pension) Rules 2021 (copy enclosed) are invariably applicable.

"If a pensioner drawing pension or compassionate allowance under CCS (Pension) Rules is re-employed under the Central Government or State Government or a Corporation or Company or Body or Bank under them in India or abroad including permanent absorption or immediate absorption in such Corporation or Company or Body or Bank, he shall not be eligible to draw dearness relief on the pension or compassionate allowance during the period of such re-employment or permanent absorption or immediate absorption".

It has been observed that in some of the labs / Instt. of CSIR, this provision is being ignored/ not being followed scrupulously thereby causing wrong/over payment to the re-employed pensioners.

Reference is also invited to Ministry of Personnel, Public Grievances & Personnel, Public Grievances & Pensions, Department of Personnel & Training OM No. 3/1/85-Estt (Pay-II) DATED 31ST July 1986 (as revised from time to time) regarding Pay fixation of re-employed pensioners. As per these Rules, pension is to be considered while fixing pay during re-employment and there is a provision of maximum ceiling of pay + pension. As per the DOPT OM No.3/3/2016-Estt. (Pay.II) dated 1.5.2017 an undertaking is required to be obtained from re-employed pensioners who opt / are deemed to have opted for the revised pay structure to the effect that, they understand and agree that the special dispensation provided is subject to the condition of deduction of pension as admissible to them from time to time, wherever required as per extant instructions. The existing ceiling of Rs. 80,000/- for drawl of pay plus gross pension on re-employment is enhanced to Rs.2,25,000/-, the maximum basic pay prescribed for Secretary to the Government of India under Central Civil Services (Revised Pay) Rules, 2016.

As per GFR 2017 Rule 230 (12) (i) All Grantee Institutions or Organisations which receive more than fifty per cent. of their recurring expenditure in the form of Grants-in aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in Central Government. In exceptional cases relaxation may be made in consultation with the Ministry of Finance.

All these instructions apply to the re-employed pensioners working in CSIR & CSIR Pensioners re-employed in other Government & Autonomous organizations etc. Accordingly, in accordance with OM No.3/3/2016-Estt. (Pay.II) dated 1.5.2017, Sr.COFA /COFA / FAO being the PPO issuing authority of all concerned lab / Institute shall obtain enclosed undertaking from re-employed council pensioners / employees through the present employer.

You are therefore, requested to kindly review the cases of Dearness Relief and Ceiling of Pay + Pension to Group-A re-employed pensioners / employees of your lab/Instt. as per these Rules.

Yours faithfully,



(L S Negi)
Sr. Deputy Secretary

Encl: As above

Copy to: -

1. Heads – HRDG/HRDC
2. DS (CO) / DS CSIR Cx. for similar action
3. CSIR WEBSITE

UNDERTAKING

(To be given by persons who are on re-employment on or after 01.01.2016 and who have chosen / are deemed to have chosen to be governed by the CCS (Revised Pay Rules), 2016, in terms of Department of Personnel and Training Office Memorandum No. 3/3/2016-Estt.(Pay-11) dated 1 .5.2017) (Para 9 of the OM No. 3/3/2016-Estt.(Pay-11) dated 1.5.2017 refers)

I _____, S/o / W/o / D/o _____, hereby undertake that I understand and agree that the special dispensation of pay fixation under the Central Civil Services (Revised Pay) Rules, 2016 provided to me through the O.M. No. 3/3/2016- Estt.(Pay-II) dated 1.5.2017 is subject to the specific condition of deduction of pension as admissible to me from time to time, wherever required as per extant instructions.

Signature

.....

Name

Designation.....

Date :

Place :

CHAPTER IX

Dearness Relief

52. Dearness Relief on Pension and Family Pension :- (1) Relief against price rise may be granted to the pensioners, including the persons drawing compassionate allowance under rule 41 and family pensioners, in the form of dearness relief at such rates and subject to such conditions as the Central Government may specify from time to time.

(2) If a pensioner drawing pension or compassionate allowance under these rules is re-employed under the Central Government or State Government or a Corporation or Company or Body or Bank under them in India or abroad including permanent absorption or immediate absorption in such Corporation or Company or Body or Bank, he shall not be eligible to draw dearness relief on the pension or compassionate allowance during the period of such re-employment or permanent absorption or immediate absorption:

Provided that the dearness relief shall continue to be payable to a pensioner on re-employment or on permanent absorption or immediate absorption if,-

- (i) before such re-employment, including permanent absorption or immediate absorption, he was not holding a post included or classified as Group 'A'; and
- (ii) in accordance with the relevant rules or orders, his pay was fixed at the minimum of the scale of pay of the post in which he was so re-employed or absorbed and such minimum of the scale of pay was less than the pay which he was drawing immediately before his retirement or absorption; and
- (iii) while fixing his pay in the post in which he was so re-employed or absorbed, the entire amount of pension sanctioned by the Central Government was ignored.

(3) For claiming dearness relief on pension or compassionate allowance, a pensioner who is re-employed, including permanent absorption or immediate absorption, under the Central or State Government or a Corporation or Company or Body or Bank under them in India or abroad, shall be required to obtain a certificate from the said Central or State Government Department or office or the Corporation or the Company or the Body or the Bank to the effect that,-

- (i) the re-employed pensioner or absorbee pensioner was holding a civil post not included or classified as Group 'A' in the Central Government before such re-employment; and
- (ii) the pay of the re-employed pensioner or absorbee pensioner was fixed at the minimum of the pay scale of the post in which he is so re-employed or absorbed and such minimum of the pay scale is less than the pay which the pensioner was drawing immediately before his retirement or absorption; and
- (iii) the entire amount of pension or compassionate allowance sanctioned by the Central Government was ignored in fixation of the pay on re-employment or absorption and no part of the pension or compassionate allowance was taken into account in such fixation of pay in the pay scale of the post in which the pensioner is re-employed or absorbed.

(4) Nothing in sub-rule (2) or sub-rule (3) shall be applicable in the case of a family pensioner who is employed under the Central or State Government or a Corporation or Company or Body or Bank under them in India or abroad and is eligible to draw a family pension from the Government in respect of a deceased member of his family in accordance with rule 50 and such family pensioner shall continue to be eligible to draw dearness relief on family pension during the period of such employment in accordance with sub-rule (1).