



# National Federation of Indian Railwaymen

3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to :

Indian National Trade Union Congress (INTUC)  
International Transport Workers' Federation (ITF)

70/A

SREFS

No. II/35/2019

Dated: 14/03/2020

The Cabinet Secretary,  
Rashtrapati Bhavan,  
New Delhi - 110004  
Dear Sir,

Ex Servicemen

**Sub:** Initial pay fixation of re-employed ex-servicemen who held posts below Commissioned Officer Rank in Defence Forces, retired before attaining the age of 55 years and have been appointed on re-employment basis in civilian posts in Railways etc., - reg.

- Ref: (i) General Secretary/NFIR's letter No. II/35/Part XIV dated 21/12/2017.
- (ii) General Secretary/NFIR's letter No. II/35/Part XIV dated 29/01/2018 addressed to the Hon'ble Prime Minister of India.
- (iii) PMO ID No. PMOPG/D/2018/0044515 dated 02/02/2018 addressed to the Secretary, DoP&T and copy to the Federation.
- (iv) General Secretary, NFIR's letter No. II/35/2018 dated 11/04/2018 addressed to the Secretary, DoP&T and Secretary, MoD.
- (v) Ministry of Personnel Grievance and Pension (DoP&T) letter No. 6/2/2018 (PMOPG/D/2018/0044515)-Estt/(Pay-II) dated 13<sup>th</sup> April, 2018 and letter No. 1305498/2018-Estt (Pay-II) dated 26<sup>th</sup> June, 2018 addressed to GS/NFIR.
- (vi) NFIR's letter No. II/35/2019 dated 05/11/2019 addressed to the Cabinet Secretary, Govt of India.

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Federation invites kind attention to its letter dated 05/11/2019 wherein the undersigned, citing para 4.12 of the minutes of 47<sup>th</sup> meeting of National Council of JCM held on 13<sup>th</sup> April 2019 at Rail Bhavan, New Delhi, requested to kindly intervene into the matter to see that orders granting pay re-fixation to former Defence Forces personnel/ex-servicemen re-employed in the Central Government Organizations/Departments, are issued, taking into consideration the last pay drawn in Defence Forces at the time of retirement.

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NFIR has learnt that comments/views mainly from the Ministry of Defence, have been forwarded by the DoP&T vide ID No. 28(11)2019/D(Res-1) dated 9<sup>th</sup> August 2019 (copy enclosed), however, further action seems to have not been taken for the matter to the Ministry of Finance (Deptt of Exp) for clearance.

NFIR, therefore, once again requests to kindly intervene for taking speedy action in order to render justice to the former Defence Forces Personnel re-employed in Central Government Organizations/Departments like Railways etc.

DA/As above

Yours sincerely,

  
(Dr. M. Raghavaiah)  
General Secretary/NFIR &  
Leader JCM (Staff Side)

Copy to the Secretary (DoP&T), North Block, Central Secretariat, New Delhi, Delhi 110001 for information and necessary action please.

Copy to the Chairman, Railway Board, New Delhi for information and necessary action please.

Copy to the Member Staff, Railway Board, New Delhi for information and necessary action please.

Copy to the General Secretaries of affiliated Unions of NFIR.  
Media Centre/NFIR.

File No. 01/2013 (PNM) – Part D.



Ministry of Defence  
Department of Ex-Servicemen Welfare  
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**Subject: Applicability of CCS (RP) Rules, 2016 to persons re-employed in Government Service & whose pay is debitabale to civil estimates.**

Reference is invite to DoP&T OM No. 3/3/2016-Estt. (Pay-II) dated 15.05.2019 on the above mentioned subject.

2. The matter has been examined and this Department's comments/observations are as follows:-

- (i) With regard to whether the pay fixation benefit proposed in respect of ECOs/SSCOs appointed against un-reserved vacancies may also be extended to ECOs/SSCOs appointed against reserved vacancies, it is felt that the word 'unreserved' needs to be deleted as the fixation after re-employment is to be done in employment against reserved as well un-reserved vacancies.
- (ii) With regard to Para 7 of DOP&T's Draft OM, it is pertinent to mention that the National Pension Scheme was made applicable only w.e.f. 01.01.2004. Hence, Orders may be issued in consultation with Pension Fund Regulatory and Development Authority (PFRDA).
- (iii) With regard to Sub-Para 3.2(vi), it is suggested that the following wordings which appear in the 1986 OM may be considered to be included:  
"Regard will also be given to the promotion which the officer would have received in his parent service or cadre as provided for in FR113, provided that he would have officiated for ten months or more."
- (iv) With regard to Sub-Para 4(I) (vi), II, III, IV, V(g) (i), V (g) (ii), pertaining to the provisions regarding Excluding the Pension equivalent of Gratuity, it is stated that as per DOP&T OM No. 3/3/87-Estt (Pay-II) dated 03.06.1988, while fixing the initial pay of re-employed pensioners, the Pension equivalent of Gratuity may not be deducted from the pay so fixed.
- (v) With regard to illustration annexed to the draft OM, the same appears to be worked out based on the provisions of the draft OM. However, the same needs to be vetted by the appropriate authorities in Ministry of Finance to avoid any misinterpretation of the draft provisions.
- (vi) With regard to Order 7, it is mentioned that they way Military Service Pay (MSP) was a part of the Pre-Retirement Pay, based on which Pension has been fixed and MSP is to be excluded from the pay so fixed on re-employment. Similarly, Good Conduct Badge Pay, Classification Pay etc, which are included in the pension needs to be excluded for deduction from the pay to be fixed in the re-employed post.
- (vii) Para 3(2)(vii) of the Draft Orders defines Pre-Retirement Pay in the context of 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Pay Commission. However, the present order in made applicable w.e.f. 01.01.2016. In that scenario, defining Pre-Retirement Pay for 5<sup>th</sup> and 6<sup>th</sup> CPC period needs to be made clear as at that time, rules of 1986 further amended vide



OM dated 05.04.2010 were in force and those instructions cannot be withdrawn at this juncture for pay fixation upto 31.12.2015.

- (viii) Para 4 of the Draft Orders pertains to fixation of pay of persons re-employed prior to 01.01.2016 which means till 6<sup>th</sup> CPC was in force. At that time pay included Basic Pay and Grade Pay. Hence the word Basic Pay in Sub-Para 4(I)(b)(i)(ii)(iii)(iv)(v)(vii) needs to be replaced with 'Pay'.
- (ix) The word 'Notional Basic' in line 18 of Sub Para 4(III) of the Draft Orders should be corrected to 'Notional Pay'.
- (x) The word 'Officers' in line 2 of Sub Para 10(i) and lines 2 & 4 of Sub Para 15(I) of the Draft Orders should be corrected to 'person' as the Orders are applicable to both Officers and PBORs.

(Suman Sharma)

Under Secretary to the Government of India

Telefax: 2379 3365

DOP&T [Kind Attention: Shri S. S. Pant, Deputy Secretary] North Block, New Delhi

MoD ID No. 28(11)2019/D(Res-1) dated the 9<sup>th</sup> August, 2019

O/C