

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education – Sanction of Consolidated Pension to the University / Government and Aided College Teachers retired on UGC Scales of Pay on or before 31.12.1995 duly implementing the orders dated.17.02.2012 of Hon'ble High Court in W.A.No.1622 of 2004 and W.A.No.772 of 2005 in Supersession of the Orders issued in G.O.(P).No.95, Finance (Pen.I) Department., dt.01.08.2000 – Orders – Issued.

HIGHER EDUCATION (UE.II) DEPARTMENT

G.O.Ms.No. 31

Dt.24 -05-2013

Read the following:-

1. G.O.Ms.No.106, Finance and Planning (FW-Pen.1) Dept. dated 15-07-1997.
2. G.O.Ms.No.245, Finance and Planning (FW-Pen.1) Dept. Dated 12-11-1998.
3. G.O.Ms.No.208, Higher Education (U.E.II-1) Department dated 26-06-1999
4. G.O.(P)No.95 Finance (FW.Pen.I) Department dated 01-08-2000.
5. G.O.[P]No.113 Finance (FW.Pen.I) Department Dated 16-08-2000
6. G.O.Rt.No.733 Higher Education (UE.I.1) Department dated 30-09-2002.
7. G.O.Ms.No. 54 Higher Education (UE.II) Dept. dated 8.6.2011.
8. Judgement of Hon'ble AP High Court dated 17.2.2012 in WA No. 1622 of 2004 and WA No. 772 of 2005.
9. From the Secretary , APSICHE, Lr.No.APSICHE/UM-777/UGCRPS-Consold.Pen.-Pre-1996/2012 dt.7.3.2012 and 23.02.2013 and 13.03.2013.

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ORDER : -

The Pensioners retired while drawing UGC pay scales are covered by A.P. Revised Pension Rules of 1980 and AP University Teachers Pension Rules 1992. These pensioners were sanctioned three Interim Relief's as given to the Central Government Employees vide Government orders 1st and 2nd read above, as detailed below:

- A. First installment of Interim Relief @ Rs.50/- P.M. w.e.f.1-4-1997
- B. Second installment of Interim Relief @ 10% of the Basic Pension subject to a minimum of Rs.50/- P.M. w.e.f. 1-4-1997.
- C. Third installment of Interim Relief @ 10% of the Basic Pension subject to a minimum of Rs.100/- P.M. w.e.f. 1-10-1998.

2. In the reference 3rd read above, the Government have implemented the Revised UGC Pay Scales of 1996 to the teaching staff in the Universities and Colleges w.e.f. 1.1.1996.

3. In the reference 4th read above, the Government have issued orders for sanction of consolidated pension and sanction of Dearness Relief to the pensioners retired in AP University Grants Commission Scales of Pay to both pre-1996 pensioners and pre-1986 retirees.

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4. In the reference 5th read above, the Government have issued the following amendment to the orders issued in the G.O. 4th read above:-

“These orders will come into force from 1-7-2000. The consolidation of pension/family pension ordered in paras 8 to 9 and the dearness relief thereon ordered in para 10 above shall be with monetary benefit from 1-7-2000 only.”

5. In the reference 6th read above, the Government have issued orders instructing all the Universities in the State to place the orders issued in G.O.Ms.No.95 (P) read above and the subsequent amendments issued by the Government, in the Executive Council and extend the same for the consolidation of pension of retired teachers, subject to the condition that the entire financial commitment on account of adoption of said GOs to be met within the block grant and their internal resources.

6. In the reference 7th read above, the Government have issued orders sanctioning of consolidated pension to the University/ Government and Aided College teachers drawing UGC Scales of Pay of 1996 who, retired between 01.01.1996 to 31.12.2005.

7. The Pre-1996 Retired College Teacher Associations have filed Writ Petition in High Court of A.P, aggrieved by the orders issued in the G.O. 4th read above, for consolidation on 1.1.1996 and extension of Central Dearness Relief. The Writ Petitions were dismissed. The said Associations have also filed Writ Appeals against the judgment of the Hon'ble High Court of A.P., in their Writ Petitions.

8. In the reference 8th cited, the Hon'ble A.P. High Court of AP in its order dt.17.02.2012, in WA.No's 1622 of 2004 and 772 of 2005 has allowed the Writ Appeals. The Hon'ble High court in its order dt.17.02.2012, among other things held that:-

“..Therefore the formula adopted in G.O.Ms.No.95, dt.1.8.2000 with regard to computation of DR and the dates for reckoning and grant of such relief have no application to the post-1996 UGC pensioners. These post-1996 pensioners also would draw pension under the Rules of 1980 but the DR to which they are entitled would be as per the revised UGC Pay Scales of 1996, which is denied to pre-1996 UGC pensioners. This clearly brings about disparity between the two sets of UGC Pensioners pre and post-1996.”

“Similarly the adoption of dates applied to State scales pensioners viz. 01.07.1998 and 01.04.1999 have no relation to the computation of the pension and Dearness Relief payable to pre-1996 UGC pensioners and the same is liable to be struck down. The State would necessarily have to grant benefit in terms of the computation of Dearness Relief to pre-1996 UGC pensioners on par with the post-1996 UGC pensioners. In so far as the extension of monetary benefit is concerned, this Court finds that the fixation of the date 01.07.2000 is wholly arbitrary and capricious and also results in discrimination as post-1996 UGC pensioners would be given the benefit of the Dearness Relief as fixed in the UGC revised pay scales, 1996 from the very date of their retirement while the pre-1996 UGC pensioners are made to forego the benefit thereof for over 4 years. The Government of Andhra Pradesh is accordingly directed to extend the monetary benefit pursuant to the consolidation of the pension undertaken as indicated supra from 01.01.1996.”

9. After careful examination of the entire issue and to comply the orders of Hon'ble High Court as mentioned at para (8) above, the Government have decided to implement the orders of the Hon'ble High Court of Andhra Pradesh dated 17.2.2012 in WA No. 1622 of 2004 and WA No. 772 of 2005 in supersession of the orders issued in G.O.(P).No.95, Finance (Pension. I) Department, dt.01.08.2000., Viz., (i) to compute Dearness Relief to pre-1996 UGC pensioners on par with Post 1996 UGC pensioners (ii) to extend monetary benefit pursuant to the consolidation of the pension w.e.f. 01.01.1996.

10. Further, the Government have decided to consolidate the pension of pre-1996 pensioners and pre-1986 retirees and family pensioners of University / Government and Aided College teachers retired on or before 31.12.1995 as per the Government of India guidelines and allowing Central Dearness Relief w.e.f. 1.1.1996 issued from time to time.

11. Accordingly, the Government hereby order that the pension / family pension of the pre-1996 pensioners and pre-1986 retirees and family pensioners of University / Government and Aided College teachers retired on or before 31.12.1995 will be consolidated w.e.f.1.1.1996 by adding together the following :-

[1] For sanction of consolidation pension as on 1.1.1996 for Pre-1996 pensioners those drawn UGC Scales of Pay and retired on or before 31.12.1995.

The Pension/Family Pension of existing pre-1996 pensioners/family pensioners shall be consolidated with effect from 1-1-1996 by adding together:-

- (i) The existing pension/family pension
- (ii) Dearness Relief as on 1.1.1996 @ 148%, 111% and 96% as indicated in G.O.(P)No.164 Finance & Planning (FW.Pen.I) Department dated 20-5-1996 in view of the slab system.
- (iii) Interim Relief I (As sanctioned vide reference 1st cited)
- (iv) Interim Relief II (As sanctioned vide reference 1st cited)
- (v) Fitment weightage @ 40% of the existing pension/family pension.

The amount so arrived at will be regarded as consolidated pension/family pension. However, in case where the pension consolidated is treated as the final full pension, it shall not be less than 50% of the minimum of the revised scale of pay introduced vide G.O. 3rd read above, for the post last held by the pensioner at the time of his retirement. Such pension will be suitably reduced pro-rata, where the pensioner has less than the maximum required service for full pension as per the rule [Rule 45 of APRP Rules, 1980] applicable to the pensioner as on the date of his/her superannuation/retirement and in no case it will be less than Rs.1275/- p.m. Similarly, in case where the family pension so consolidated is treated as final, it shall not be less than 30% of the minimum of the revised scale of pay introduced with effect from 1-1-1996 for the post last held by the concerned pensioner/deceased government servant.

Revised consolidated pension now sanctioned shall be worked out with reference to the total pension (i.e.) inclusive of commuted portion of pension which shall be deducted from the said amount while making monthly disbursements.

[2] For sanction of consolidation pension as on 1.1.1996 for Pre-1986 retirees those drawn UGC Scales of Pay and retired on or before 31.12.1985.

(a) The pay of all those teachers of University / Government and Aided College drawing UGC Scales of Pay who retired prior to 1-1-1986 and who are in receipt of pension as on 1-1-1986 and also in cases in respect of whom family pension is being paid on 1-1-1986, shall be updated by notional fixation of their pay as on 1-1-1986 by adopting the same formula as for the serving employees and thereafter for the purpose of consolidation of their pension/family pension as on 1-1-1986. Accordingly their pay shall be fixed on notional basis in the revised scale of pay for the post held by the pensioner at the time of retirement or on the date of death, introduced subsequent to retirement/death of government employee consequent upon promulgation of Revised Pay Rules on implementation of the recommendations of successive Pay Commissions. The Notional Pay so arrived as on 1-1-1986 shall be treated as average emoluments for the purpose of calculation of pension and accordingly the pension shall be calculated as on 1-1-1986 as per the pension formula then prescribed. The pension so calculated shall be consolidated as per the present orders as in the case of pensioners of pre-1996 retirees.

(b) In the case of family pension, the notional pay as on 1-1-1986 shall be treated as pay last drawn by the deceased teacher / pensioner of University / Government and Aided College drawing UGC Scales of Pay and family pension shall be consolidated as per the present orders. Such consolidated family pension shall not, however be less than 30% of the minimum of the revised scales of pay 1996 for the post last held by the concerned pensioner/deceased teacher of University / Government and Aided College drawing UGC Scales of Pay.

© No arrears on account of revision of Pension/Family Pension on notional fixation of pay as above shall be admissible. Further, this notional fixation of pay as on 1-1-1986 will not affect Death cum Retirement Gratuity and commutation entitlement already determined and paid with reference to the rules in-force at the time of retirement/death of the Government employee.

12. Government also hereby order for payment of dearness relief on the consolidated pension w.e.f. 1.01.1996 to these pensioners on par with post 1996 pensioners as per rates applicable from time to time. The Dearness relief shall be rounded off to the next rupee.

13. The amount already paid on account of 3rd installment of Interim Relief vide G.O.2nd read above, shall be recovered from the pension/family pension and dearness relief payable to the pensioners.

14. Where the consolidated pension/family pension in terms of paras 11(1) and 11(2) above, works out to an amount less than Rs.1275/-, the same shall be stepped up to Rs.1275/-.

15. In respect of pensioners and family pensioners who are re-employed/employed respectively, the notional relief on pension as on 01-01-1996, which would have been admissible to them but for their re-employment/employment, shall be merged with basic pension with effect from 01-01-1996. The pay drawn by the re-employed pensioners during the period of re-employment shall also be re-fixed taking into account the Revised Consolidated pension. Dearness Relief beyond 1-01-1996 will not be admissible to them during the period of re-employment.

16. The Revised consolidated pension now sanctioned at paras 11(1) and 11(2) above is worked out with reference to the total pension i.e., inclusive of commuted portion of pension which should be deducted from the said amount while making monthly disbursements.

17. The consolidation of pension/family pension ordered in this order are applicable to all the teachers of University / Government and Aided College drawing UGC Scales of Pay who retired or died prior to 1-1-1996 while drawing Pre-'Andhra Pradesh Revised University Grants Commission Scales of Pay 1996' who were covered vide G.O.Ms.No.106, Finance and Planning (FW-Pen.1) Department dated 15-07-1997 and G.O.Ms.No.246, Finance and Planning (FW-Pen.1) Department Dated 12-11-1998 and also those who retired or died on or after 1-1-1996 without the benefit of 'Andhra Pradesh Revised University Grants Commission Scales of pay, 1996'. The persons retired after 1-1-1996 with the benefit of 'Andhra Pradesh Revised University Grants Commission scales of Pay, 1996' are not eligible for such consolidation of pension.

18. These orders will come into force from 1.1.1996.

All the pension disbursing authorities shall note the consolidated pension as per these orders in the pension payment orders. They shall simultaneously calculate and note the corresponding consolidated enhanced family pension and consolidated normal Family Pension in the Pension Payment Orders. Similarly, in case where enhanced Family Pension is being paid, the normal Family Pension to be payable in future shall also be consolidated and noted on the pension payment orders.

19. Teachers of University / Government and Aided College drawing UGC Scales of Pay who have opted for the revised pay scales and whose pay is partly in the revised scales and partly in pre-revised scales of pay, the pay in the pre-revised pay scales for the purpose of Average Emoluments shall be calculated adding basic pay plus actual D.A. and Interim Relief I and II appropriate to the basic pay at the rates in force on 1-1-1996, drawn during the relevant period.

20. [3] For sanction of consolidation pension as on 1.1.2006.

In respect of sanction of consolidation of pension as on 1.1.2006 to the pensioners covered in this G.O, the orders issued in the reference 7th cited shall be followed.

21. These orders shall also be applicable to the teachers of the Universities in the State those who were covered under G.O.Ms.No. 277 Education (UE.I) Department dated 2.12.1993. The entire financial commitment on account of these orders shall be met within their block grant.

22. The pensioners are not entitled to commute any portion of pension on the difference in pension now admissible as per these orders.

23. All Pension Disbursing Officers i.e., all Treasury Officers/Pension Payment Officers are requested to pay the difference of pension to be paid to the Pensioner or recover from the Pensioner as the case may be, while implementing the above orders without any authorization from the Accountant General [A&E], Andhra Pradesh, Hyderabad

24. The expenditure shall be debited to the concerned pension Head to which the pensions are being debited.

25. This order issues with the concurrence of the Finance (Pension.) Department vide their U.O.No.13397/179/A1/Pen.I/13, dt.22.05.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The Commissioner & Director of School Education, A.P., Hyderabad

The Director of Printing, S.S. & Purchases, Chanchalguda, Hyderabad.

The Chairman, A.P. State Council of Higher Education, Hyderabad.

The Director, State Audit, A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Registrars of all Universities in the State.

The Registrar, Acharya N.G. Ranga University, Hyderabad.

The Registrar, S.V. Veterinary University, Tirupati

The Registrar, A.P. Horticultural University, Venkataramanna Gudem, W.G. Dist.,

Copy to:-

The Accountant General (A&E/Audit-I/Audit-II/] A.P., Hyderabad.

The Special Secretary to C.M.

The Pay & Accounts Officer, A.P., Hyderabad.

The Secretary, A.P. State Council of Higher Education, Hyderabad.

The P.S. to Dy.Chief Minister.

The P.S. to Chief Secretary /

P.S. to Principal Secretary (HE)

The Finance (Pension.I / Expr.HE) Department

The General Secretary, RCTA, A.P., Hyderabad.

The President, FURTAAP, Hyderabad

The President, ANGR Agricultural University Retired Teachers' Association,
Hyderabad

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER.

