

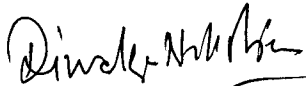
No. 25014/06/2014-AIS-II
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

North Block, New Delhi
Dated: 08 /10/2015

C I R C U L A R

In order to regulate counting of past services for members of services who have joined service on or after 01.01.2004 for the purpose of pay protection and accumulation of their leave balance pertaining to their past services in central/state governments or pensionable autonomous bodies, this Department is in the process of issuing a clarification/guidelines and to delegate the power to the State Governments for such cases. The draft guideline is enclosed herewith for perusal of all the Cadre Controlling Authorities and State Governments.

2. All the cadre controlling authorities and State Governments are requested to give their views/comments on the proposed draft guidelines on or before 25/10/2015 so as to enable this Department to take further necessary action in this regard. The views/comments may be sent through fax (No.011-23094824) or email on id so-ais3@nic.in


(Diwakar Nath Mishra)
Director(Services)

1. All Chief Secretaries of State Government/UTs
2. Joint Secretary (IFS), Ministry of Environment, Forest and Climate Change, 3rd Floor, Prithvi Wing, Indira Parvayaran Bhawan, Jor Bagh, New Delhi-110003
3. Joint Secretary (Services)/(IPS), Ministry of Home Affairs, North Block, New Delhi

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Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi-110001

Dated: /10/2015

OFFICE MEMORANDUM

Subject: - Counting of past service for admissibility in old pension scheme, new pension scheme, pay protection and leave accumulation to All India Services officers: clarification regarding.

I am directed to say that while introducing the New Pension Scheme from 01/01/2004, amendments to various existing rules including second proviso to Rule 1 of the All India Services (Death Cum Retirement Benefits) Rules, 1958 were made whereby these rules became inapplicable to those appointed to All India Service and posts from 01/01/2004. The pension of the member of All India Services appointed on or after 01/01/2004 is regulated by the New Defined Contribution Pension Scheme (known as the New Pension Scheme), notified by the Ministry of Finance (Department of Economic Affairs) vide their Notification No.5/7/2003-ECB2 PR dated 22/12/2003 now rechristened as National Pension System as per Section 8 of Pension Fund Regulatory Development Authority Act, 2013. The guidelines for New Pension Scheme in respect of All India Services was issued by this Department vide letter No.25014/14/2001-AIS(II) dated 08/09/2009 in terms of the instruction/guidelines notified by the Ministry of Finance.

2. Therefore, in view of the above new and changed position, this Department has received references from the State Governments and member of services for clarification in regard to counting of past services for the purpose of pensionary benefits, pay protection and leave accumulation. The matter has been examined by this Department in consultation with the Ministry of Finance (Department of Expenditure) and Department of Pension and Pensioners' Welfare and has decided as under : -

- (i) The member of All India Services who had been an employee in pensionable establishment viz. Central/State Governments or autonomous bodies as on 31/12/2003 and appointed to All India Services on or after 01/01/2004 with proper permission shall be covered under the old non-contribution pension scheme in terms of Office Memorandum No. 28/30/2004-P&PW(B) dated 28/10/2009, which has been made applicable *Mutatis-Mutandis* to members of All India Services by this Department vide letter No. 25014/1/2013-AIS(II) dated 18/3/2013. The pay protection and leave accumulation arising out of previous service would be admissible as per relevant rules of respective All India Services (Pay) Rules and All India Services (Leave) Rules, 1955.

- (ii) Those under CPF etc will not be allowed entry into the old pension scheme on appointments from 01/01/2004.
- (iii) The member of All India Services who were appointed to government service in the central/state governments or autonomous bodies, whether in a pensionable or non-pensionable establishment, on or after 01/01/2004 before being appointed to All India Services shall be governed by the New Pension Scheme. The pay protection and leave accumulation arising out of their previous service would be admissible as per the relevant rules of the respective All India Services (Pay) Rules and All India Services (Leave) Rules, 1955.
- (iv) The admissibility of counting of past services for the purpose of benefits as mentioned at point (i) and (iii) above shall be subject to **continuous service and technical resignation**.

3. The State Governments are competent to determine the past service rendered by the member of service for such benefits as mentioned above. The service rendered by a member of All India Services before his appointment to the service under the Central Government or a State Government will count as continuous service for the said benefits subject to the fulfilment of the specific conditions provided in the All India Services (Leave) Rules, 1955 and the respective All India Services (Pay) Rules. Approval of the Central Government is not necessary for counting the previous service for such benefits. In such cases the Government of the State on whose cadre the member of service is borne/the Accountant General concerned, will have to take necessary action in consultation with the Central/Department or the State Government, if the officer had worked under the Central Government or another State Government, as the case may be, before joining the All India Services, to count such service as qualifying service for the aforesaid benefits. If any clarification is required or condonation of break in service is involved, a reference may be sent to the Department of Personnel and Training in the case of members of the Indian Administrative Services, the Police Division of the Ministry of Home Affairs in the case of Indian Police Service and the Ministry of Environment, Forest and Climate Change in the case of members of Indian Forest Service.

(Rajiv Jain)
Under Secretary to the Government of India

1. All Central Government Ministries/Departments.
2. Ministry of Home Affairs, North Block, New Delhi
3. Ministry of Environment, Forest & Climate Change, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi
4. All Chief Secretaries of all State Governments/UTs
5. Accountant Generals of all States and UTs.
6. Department of Expenditure (E.V.), Ministry of Finance, North Block, New Delhi
7. Department of Pension and Pensioners' Welfare, Lok Nayak Bhavan, Khan Market, New Delhi
8. C&AG, Bahadu Shad Zafar Marg, New Delhi
9. Ministry of Railways, Railway Board, New Delhi
10. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi