

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PENSION AND PENSIONERS' WELFARE)

RAJYA SABHA
UNSTARRED QUESTION NO. 1891
(TO BE ANSWERED ON 17.03.2022)

NOTIFICATION FOR OLD PENSION SCHEME

1891 SHRI NEERAJ SHEKHAR:

Will the **PRIME MINISTER** be pleased to refer to answers to Unstarred Question 610 and Unstarred Question 285 given in the Rajya Sabha on December 12, 2021 and February 03, 2022 respectively and state:

- (a) whether Government had amended Notification dated 22/12/2003 vide OM dated 17/02/2020 and had allowed Old Pension Scheme to officials whose examination process was completed before 01/01/2004;
- (b) whether Supreme Court has also extended Old Pension Scheme (OPS) to thousands of officials whose advertisements were issued before 01/01/2004 by rejecting said Notification to the extent of date of joining as criterion for OPS in number of cases and the same have also been implemented by Government;
- (c) if so, rationale for quoting Notification date 22/12/2003 as unamendable repeatedly; and
- (d) by when general orders would be issued in view of Part (a) and (b) above?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) to (d): National Pension System (NPS) was introduced for Central Government employees by a Notification of Ministry of Finance (Department of Economic Affairs) dated 22nd December, 2003 for Central Government service w.e.f. 1st January, 2004. However, in some specific court cases where the selection of candidates had been made before 01.01.2004 but their actual appointment in the Government service could be made on or after 01.01.2004 due to various reasons, on the direction of the Hon'ble High Court of Delhi, the benefit of Old Pension Scheme was allowed to the petitioners. After considering all the relevant aspects and to extend the benefit to similarly placed Government servants in order to reduce further litigation, the Government had decided, vide an Office Memorandum No. 57/04/2019-P&PW(B) dated 17th February, 2020 of the Department of Pension & Pensioners' Welfare, that in all cases where the results for recruitment were declared before 01.01.2004 against vacancies occurring on or before 31.12.2003, may be given a one – time option to be covered under the Central Civil Services (Pension) Rules, 1972.

Hon'ble Supreme Court has dismissed some of SLPs filed by Union of India against the orders of Hon'ble High Court of Delhi allowing benefit of old pension scheme to those Government servants whose selection process was completed after 01.01.2004. However, notification dated 22.12.2003 has not been challenged in these cases.

In view of the specific provisions of the Notification dated 22.12.2003, the date of advertisement for the vacancies is not considered relevant for determining the eligibility for coverage under the Old Pension Scheme or the National Pension System.
