

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF FINANCIAL SERVICES

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**LOK SABHA**  
**UN STARRED QUESTION NO. 876**  
**TO BE ANSWERED ON DECEMBER 14, 2018/AGRAHAYANA 23, 1940 (SAKA)**  
**REVERSION TO OPS**

876. Shri Kirti Azad,  
Dr. Bharatiben D. Shyal, and  
Shri Ramesh Chander Kaushik:

Will the Minister of FINANCE be pleased to state

- (a) whether as per the directions of Honourable High Court, the Government has opted for/taken decision to shift to Old Pension Scheme from New Pension System (NPS) for hundreds of such personnels of paramilitary forces, for whom the advertisement of posts was issued before 1st January, 2004 examination was held before the said date but whose joining took place in the year 2004 or thereafter;
- (b) if so, the details thereof along with the criteria adopted for the same;
- (c) whether the Government is likely to identify such staff of other Ministries/ Departments of Central Government also coming under NPS and revert them back to Old Pension Scheme; and
- (d) if so, the details thereof along with the time limit set in this regard?

**ANSWER**

The Minister of State in the Ministry of Finance  
(Shri Shiv Pratap Shukla)

(a) and (b) Consequent upon the order and judgement dated 12.02.2015 in WP(C) No. 3834/2013 and dated 27.03.2017 in WP(C) No.39335/2017 of Hon'ble High Court of Delhi, Ministry of Home Affairs after due consultation with the Department of Pension & Pensioners' Welfare (DoP&PW) and Ministry of Law & Justice, has taken a decision to extend the benefits of Old Pension Scheme to the petitioners who had participated in CPOs (SI) 2002 examination but were offered joining letter by the Border Security Force (BSF) only in 2004 due to administrative reasons.

(c) & (d) In the above case, the judicial orders were implemented by the Ministry of Home Affairs/Border Security Force in view of the peculiar and specific circumstances of the case. The Department of Pension & Pensioners' Welfare has informed that the decision taken in that case is not relevant for deciding applicability of National Pension System / Central Civil Service (Pension) Rules to all appointments made on or after 01.01.2004 in the Central Para Military Forces or in any other Department/organization. In accordance with the Scheme for National Pension System (NPS), as notified vide Ministry of Finance (Department of Economic Affairs)'s Notification No.5/7/2003-ECB & PR dated 22.12.2003, the System is mandatory for all new recruits to the Central Government service (except armed forces) from 01.01.2004. Accordingly, as per Rule 2 of the Central Civil Services (Pension) Rules, 1972, as amended on 30.12.2003, these rules are applicable to Government servants appointed to civil posts on or before 31.12.2003. The date on which the vacancies arose, or the date on which the examination was conducted for filling up the vacancies is not relevant for deciding the applicability of the Central Civil Services (Pension) Rules, 1972.

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