

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

LOK SABHA
UNSTARRED QUESTION NO. 589
(TO BE ANSWERED ON 20.07.2022)

REVERSION TO OLD PENSION SCHEME

589. MS. DEBASREE CHAUDHURI:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether the Supreme Court has dismissed more than half dozen Special Leave Petitions (SLPs) including SLP Nos.15312-15321/2021 and Review Petitions and ordered that Central Government officials whose advertisements were issued before 01/01/2004 and joining and results occurred after 31.12.2003 be reverted back to old pension scheme;
- (b) if so, the status of implementation of all such judgements along with the number of employees who have been granted relief therein;
- (c) the details of the comments received from the Department of Financial Services and Department of Legal Affairs and the action being taken by the Government for issuing general/executive orders in light of comments received to cover similarly placed employees; and
- (d) if not, whether this has led to long litigation process for affected Government employees in the matter which has attained finality and also implemented in some of the judgements and if so, the comments thereof?

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) & (b): Hon'ble Supreme Court has dismissed some of SLPs / Review Petitions 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. Details of cases is enclosed at Annexure-A.

(c): Department of Financial Services in their comments have conveyed that DoP&PW may take appropriate decision in regard to excluding the employees whose recruitment advertisement was issued on or before 01.01.2004 from the purview of NPS and cover them under OPS.

Department of Legal Affairs has conveyed that the examination of the issue in this Department to the effect that an administrative decision to issue executive instructions providing for coverage of Government servants under old pension scheme who were appointed to Central Government service on or after 01.01.2004 on the basis of advertisement/notification of vacancies issued prior to 01.01.2004 appears to be in order.

There is no decision to issue general instructions in this regard.

(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. NPS is mandatory for all new recruits to the Central Government service from 1st January, 2004 (except the armed forces).

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.

Annexure- A

Annexure referred to in reply to Lok Sabha Question No.
589 for 20.07.2022

**Status of Implementation of judgements after dismissal of
SLPs / Review Petitions:**

S. No.	Details of cases	Number of Petitioners	Status of Implementation of Court order
1	WP (C) No. 9252/2020 titled Shabad Prakash Punia & Ors in High Court of Delhi was allowed vide Order dated 15.01.2021. An SLP (C) No. 7373/2021 filed by UOI was dismissed on 09.07.2021.	46	Implemented
2	WP(C) No. 1358/2017 filed by Shyam Kumar Choudhary and ors in High Court of Delhi was allowed vide order dated 09.04.2019. SLP Dy. No. 31539/2019 was dismissed on 27.09.2019 and Review Petition dismissed on 24.11.2020.	14	Implemented
3.	WP (C) No. 6548/2020 titled Ithape Pandit Kisanrao & Ors in High Court of Delhi was allowed vide order dated 06.11.2020. An SLP (C) No. 8555/2021 filed by UOI was dismissed on 12.07.2021.	81	Implemented
4	WP (C) No. 11097/2019 titled Amar Kumar in High Court of Delhi was allowed vide order dated 15.01.2021. An SLP (C) No. 8985/2021 filed by UOI/Deptt. against the order was dismissed on 19.07.2021 and Review petition filed was dismissed on 23.03.2022.	01	Implemented
5	WP (C) No. 1569/2021 titled Jaswinder Singh & Ors in High Court of Delhi was allowed vide order dated 15.02.2021. An SLP (C) No. 11749/2021 filed by UOI. against the order was dismissed on 31.08.2021.	106	Implemented
6	WP (C) No. 756/2020 titled Dr.	01	Implemented

	Davinder Singh Brar Vs UOI & Ors in High Court of Delhi was allowed vide order dated 28.01.2020. An SLP (C) No. 173/2021 filed by UoI was dismissed on 04.02.2021		
7	WP (C) No. 6989/2020 filed by Sh. Vipul Pandey & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 06.11.2020. SLP (C) No. 11543/2021 filed by UoI was dismissed on 17.09.2021	58	Implemented
8	WP (C) No. 11169/2019 titled Chander Veer Singh & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 16.12.2019. SLP (C) No. 9950/2020 filed by UoI was dismissed on 16.04.2021.	32	Implemented
9.	WP (C) No. 323/2020 titled Ashok Kumar & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 13.01.2020. SLP (C) 10681/2020 filed by UoI was dismissed on 16.04.2021	10	Implemented
10	WP (C) No. 337/2020 titled Vikas Kumar & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 13.01.2020. SLP (C) No. 10733/2020 dismissed on 15.02.2021.	62	Implemented
11	WP (C) No. 5443/2020 titled Prasiddh Narain & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	480	Implemented
12	WP (C) No. 5075/2020 titled Sudesh Kumar Singh & Ors & UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	744	Implemented
13	WP (C) No. 5080/2020 titled Sujan Singh Yadav & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	231	Implemented

14	WP (C) No. 5444/2020 titled Praveen Kumar & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	521	Implemented
15	WP (C) No. 5445/2020 titled Kulesh Kumar Patel & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	495	Implemented
16	WP (C) No. 5447/2020 titled Gaikwad Valmik S & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	502	Implemented
17	WP (C) No. 7745/2020 titled Harbir Singh & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	72	Implemented
18	WP (C) No. 11061/2020 titled Budhi Singh & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	749	Implemented
19	WP (C) No. 11063/2020 titled Bijendra Singh & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	48	Implemented
20	WP (C) No. 11065/2020 titled Bhupendra Singh & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021. SLP(C) No. 15312-15321/ 2021 dismissed on 03.01.2022.	862	Implemented
21	WP (C) No. 12083/2019 titled Karamvir Singh & Ors Vs UOI & Ors before the Hon'ble High Court of Delhi was allowed vide order dated	146	Implemented

	15.01.2021.SLP(C) No. 16570/2021 dismissed on 03.01.2022		
22	WP (C) No. 10317/2020 filed by Dilip Kumar Singh & Ors before the Hon'ble High Court of Delhi was allowed vide order dated 15.01.2021 rectified on 02.02.2021. SLP(C) No.779/2022 dismissed on 07.02.2022.	33	Implemented
