

**Reversion to old pension scheme**

Ministry of Personnel, Public Grievances &amp; Pensions

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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.

Ministry of Home Affairs have not sought any advice from Department of Pension and Pensioners' Welfare on the question of having a policy to cover the paramilitary personnel appointed after 01.01.2004 under the Old Pension Scheme on the ground that the vacancies arose, or the examination was conducted, in the year 2003. However, a reference was received from Ministry of Home Affairs in a specific case relating to appointments as Sub-Inspector in various Central Para Military Forces after selection in August, 2003 on the basis of an Examination conducted in 2002. Appointments on the basis of these selections were made in Central Reserve Police Force in 2003 and the candidates appointed were covered by the pension scheme under Central Civil Service (Pension) Rules, 1972. However, in the Border Security Force, offers of appointment on the basis of the same examination/selection were issued in January, 2004. On a petition filed by some personnel appointed in the Border Security Force on the basis of that examination, Hon'ble High Court of Delhi directed to cover the petitioners under the Central Civil Service (Pension) Rules, 1972 on the grounds of administrative delay on the part of Border Security Force in making appointments. The order of Hon'ble High Court of Delhi was implemented by the Ministry of Home Affairs/Border Security Force in view of the peculiar circumstances of that case. The decision taken in that case is, however, not relevant for deciding applicability of 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 on the basis of year of examination/selection.

This information was provided by the Union Minister of State (Independent Charge) Development of North-Eastern Region (DoNER), MoS PMO, Personnel, Public Grievances & Pensions, Atomic Energy and Space, DrJitendra Singh in written reply to a question in Rajya Sabha today.

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**BB/NK/JS**

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