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## DEPARTMENT OF ENERGY

### NOTIFICATION

The 20th January 2016

SUBJECT—Differential Pension of Government cadre employees deputed to Corporations by virtue of the Transfer Scheme Rules, 1995 and absorbed thereon.

No. 499—FE-II-(Pen.)-4/2016—The Government employees absorbed in the services of GRIDCO/OHPC by virtue of the Transfer Scheme Rules, 1995 were initially allowed to draw pension from the transferee organizations viz. GRIDCO/OHPC as per Rule 6 (10) (d) of the Transfer Scheme Rules, 1995. Consequent to the verdict of the Hon'ble Supreme Court of India vide order, dated the 19th December 1997 in Civil Appeal No. 8876/97, the Government vide Notification No. 10661-En., dated the 20th August 1998 *inter alia* notified that :—

**Clause No. 10 :** The State Government have now decided that all the Government cadre employees who have agreed to get absorbed in the services of GRIDCO/OHPC shall be entitled to the benefit of the pension in terms of Rule 43 of the Odisha Civil Services Pension Rules, 1992 as amended by Finance Department Resolution, dated the 4th June 1996 should they prefer it to the pension procedure outlined in the Transfer Scheme Rules.

**Clause No. 11 :** The State Government has provided in the Finance Department Resolution No. 25926—Pen.-41/1996-F., dated the 4th June 1996, amongst others, as under :—

- (a) The proposal to review the existing terms and conditions of absorption had been under consideration of the Government for quite sometime past. The Government has now been pleased to decided that the existing terms and conditions of absorption shall stand partially modified to the extent indicated below.
- (b) The existing facility of receiving capitalized value equivalent to 100% communication of pension on absorption shall stand withdrawn.
- (c) The other existing facility to draw monthly pension from the date of absorption is the only alternative (with option to commute 1/3rd pension wherever admissible shall continue to exist).
- (d) The above decision shall take effect from the date of issue of this Resolution. The past cases since decided shall not be reopened.

- (e) The relevant provisions under Rule 43 (1) (2) (3) and (4) OCS (Pension) Rules, 1992 shall be deemed to have been modified accordingly. The provisions under Rules 43 (5) and (6) *ibid* shall however remain unaltered. Necessary amendments to the above rules shall be issued in due course.”

**Clause No. 12 :** “Accordingly, all the Government cadre employees who get absorbed in the services of GRIDCO/OHPC shall have the option either to avail the pension in the manner specified in the Transfer Scheme Rules or in the alternative in the manner specified in Paras. 10 and 11 above. This option can be exercised by the employees within a period of three months from the effective date.”

Accordingly after exercising of option, the option list was published indicating the employees who opted for pension from the transferee organization and employees who opted for proportionate pension from both Government and transferee organizations. In the case of proportionate pension, the pension was calculated for period of service under Government and the remaining period of service under OHPC/GRIDCO limiting total period of service to 33 years.

Consequent to the revision of pay and pension under ORSP Rules, 2008 the employees who opted to receive proportionate pension had drawn attention of the Government that because of the proportionate pension they are getting less pension in comparison to their counterpart who opted to receive pension from the Corporations only and requested to allow the differential pension.

Now, after careful consideration Government have been pleased to extend the differential pension as an *ex gratia* settlement, and has approved certain guidelines and modalities for payment of such differential pension, which are as follows :

- (a) The pension shall be calculated on the basis of last pay drawn considering the total period of service both under the Government and the transferee organizations as applicable.
- (b) The amount of pension received from the Government shall be subtracted from the arrived pension calculated as per Clause (a) for fixation of the differential pension.
- (c) Differential amount shall be paid only prospectively from the date of this notification and no arrear is payable since it is an *ex gratia* settlement. There will be no differential commutation and differential gratuity.
- (d) The employees shall get the differential pension from the transferee organization in addition to their Government pension.
- (e) The employee (s)/retired employees shall not be eligible to exercise the option under this notification till pendency of their cases before any Court in this matter.
- (f) In case of employees in service & yet to superannuate, the pension being received from Government shall be stopped. However, the pension shall be restored prospectively after retirement. The Accountant-General, Odisha shall be intimated accordingly.
- (g) Revision of differential pension consequent to future revision of pay shall be done by the transferee organization only after the revision in pension made at Government level.
- (h) Undertaking shall be taken from all such employees regarding no claim for the past period..

For payment of differential pension to such employees, no separate funding/corpus assistance will be made by Government to the transferee organization. The transferee organization has to claim the dues on account of such pensionary benefit through their respective Annual Revenue Requirement (ARR) before the Odisha Electricity Regulatory Commission.

Now, therefore, the Government cadre employees who got absorbed in the services of GRIDCO/OHPC and opted to receive proportionate pension vide Notification No. 10661-En., dated the 20th August 1998, shall have to exercise option to get the differential pension from the Corporations within a period of sixty days from issue of this notification and shall have to submit the undertaking regarding no claim for the payment of differential pension for the past period in the prescribed format made available with the Corporations.

The payment of differential pension shall be guided by the modalities mentioned from Paras. (a) to (h) of this Notification.

By order of the Governor

RAJESH VERMA

Principal Secretary to Government