

**Government of West Bengal
Judicial Department**

Writers' Buildings
Kolkata-700001.

G.O. No. 7012 -J
JD/L/2S-70/09

Dated, Kolkata 25th Oct, 2010

MEMORANDUM

Subject : Revision of Pension/Family Pension, Gratuity Commutation of Pension, Medical Allowance, Domestic Help Allowance of the Members of West Bengal Judicial Service who retired on or after 01.01.2006 as per recommendation of Justice Padmanabhan Committee which had been accepted by the Hon'ble Supreme Court of India with some modifications by the order dated 26.7.2010 in 1A No. 244 in Writ-Petition (Civil) No. 1022 of 1989 (All India Judges Association & Ors. -V-Union of India & Ors.)

The undersigned is directed to refer to the above noted subject and to state that the Governor, after careful consideration of the matter, has been pleased to decide that the retirement benefits in respect of the State Judicial Officers, irrespective of their ranks, who retired on or after 01.01.2006 and whose pay has been revised as per G.O. No. 440//JD/L/2S-70/09 dated 8th July, 2010, shall be determined as under :

A. Pension :

- i) A Judicial Officer retiring in accordance with the provisions of the West Bengal (Death-cum-Retirement Benefit) Rules, 1971, as amended from time to time, but before completion of minimum qualifying service of ten years, shall not be entitled to pension, but nevertheless he/she shall continue to be entitled to gratuity.
- ii) Last pay drawn before retirement shall be taken as emoluments for the purpose of calculating pension and the West Bengal (Death-cum-Retirement Benefit) Rules, 1971, shall be applicable in respect of all categories of Judicial Officers of this State.
- iii) With effect from 1.1.2006 linkage of full pension with 33 years of qualifying service as per Memo No. 10771-F dated 29.11.09, shall be dispensed with. Once a Judicial Officer has rendered a minimum qualifying service 20 (Twenty) years, pension shall be paid at 50% of the last basic pay draw. For the Judicial Officers who at the time of retirement have rendered qualifying service for 10 (Ten) years or more but less than 20 (Twenty) years, proportionate reduction shall be made while calculating the amount of pension.
- iv) There shall not be any ceiling limit on the maximum monthly pension payable.
- v) Dearness Relief :

Retired Judicial Officers shall be entitled to get Dearness Relief as sanctioned by the Central Govt. from time to time.

vi) Additional Pension :

Such additional quantum of pension will be payable to the retired Judicial Officers as indicated in the following table w.e.f. 1.1.2006 :

Age of Pensioners/Family pensioners	Additional quantum of pension/family pension
From 80 years to less than 85 years	20% of the basic pension
From 85 years to less than 90 years	30% of the basic pension
From 90 years to less than 95 years	40% of the basic pension
From 95 years to less than 100 years	50% of the basic pension
From 100 years or more	100% of the basic pension

The pension sanctioning authority shall ensure that the date of birth and the age of pensioner is invariably indicated in the single comprehensive Form to facilitate the Accountant General (A&E), West Bengal to record the same in the Pension Payment Order (PPO) to be issued in favour of the pensioners for payment of additional pension by the Pension Disbursing Authority as soon as it becomes due. The amount of additional pension will be shown distinctly in the P.P.O.

vii) Domestic Help Allowance :

Domestic Help Allowance to all the Judicial Officers retired on or after 1.1.2006 has been raised from Rs. 1,250/- per mensem to Rs. 2,500/- per mensem.

The requirement of furnishing certificate by the retired Judicial Officers as per Memo No. 1314-J dated 17.3.06 has, however, been dispensed with.

JD/L/2S-23/04 (Pt.I)

viii) Medical Allowance :

Medical Allowance to the Judicial Officers retired on or after 1.1.2006 to meet the day-to-day medical expenditure has been raised from Rs. 100/- per mensem to Rs. 1,500/-per mensem. In addition to that the retired Judicial Officers shall continue to enjoy the other facilities with regard to treatment and reimbursement of medical expenditure as per Memo No. 10771-F dated 29th November, 2004.

B. Gratuity :

The payment of Death-cum-Retiring Gratuity and retirement gratuity in respect of the retired Judicial Officers shall be guided by the provisions of W.B. Service (Death-cum-Retirement Benefit) Rules, 1971. The ceiling limit of gratuity is, however, raised from Rs. 2.5 lakh to Rs. 10 lakh w.e.f. 1st January, 2006.

C. Commutation of Pension :

- i) A retired Judicial Officer shall continue to be entitled to commute for a lump sum payment upto 50% of his revised pension.
- ii) The existing table of commutation for pension annexed to the W.B.S. (Commutation of Pension) Rules, 1983, shall be substituted by a new table at Annexure-1.
- iii) The revised table of commutation value for pension will be used for all commutation of pension, which became absolute after the date of issue of the Memorandum.
- iv) In case of those pensioners in whose case commutations of pension became absolute on or after the 1st day of January, 2006, but before the issue of this memorandum, the revised table of commutation value for pension will be used for payment of commutation of pension based on pre-revised Pay/Pension. Such pensioners shall have an option to commute the pension that has become additionally commutable on account of retrospective revision of Pay/Pension on implementation of the recommendation of Justice Padmanabhan Committee. On exercising such option by the pensioner, the revised table of commutation value of pension will be used for the commutation of the additional amount of pension that has become commutable on account of retrospective revision of Pay/Pension.

D. Family Pension :

- i) Family Pension shall be calculated @ 30% of the revised Basic Pay last drawn by the pensioner. There shall not be any ceiling limit on the monthly family pension payable.
- ii) Additional Family Pension :

In addition to the Family Pension calculated in Para (i) above, the quantum of family pension available to the old Family Pensioners shall be increased as indicated in the following table w.e.f. 1.1.2006 :

Age of Pensioners/Family pensioners	Additional quantum of pension/family pension
From 80 years to less than 85 years	20% of the basic pension
From 85 years to less than 90 years	30% of the basic pension
From 90 years to less than 95 years	40% of the basic pension
From 95 years to less than 100 years	50% of the basic pension
From 100 years or more	100% of the basic pension

iii) Domestic Help Allowance :

The family pensioners are also entitled to get Domestic Help Allowance @ Rs. 1000/-per mensem w.e.f. 1st January, 2006.

iv) Medical Allowance :

The family pensioners shall also be entitled to get monthly Medical Allowance @ Rs. 750/- per, mensem w.e.f. 1st January, 2006.

v) Dearness Relief :

The family pensioners shall also be entitled to get Dearness Relief as sanctioned by the Central Govt. from time to time.

E. Mode of Drawing & Disbursing of revision pension/family pension to the Judicial Officers who retired on or after 1.1.2006 but drawing pension/family pension at the pre-revised rate :

- i) All the treasury officers disbursing pension to the retired Judicial Offices/family pensioners at the pre-revised rate are hereby authorised to pay revised pension/family pension etc. to the existing pensioner/family pensioners at the revised rates as shown in Annexure-II without any further authorisation from the Accountant General (A&E), West Bengal. The Accountant General (A&E), West Bengal will issue authority for this payment to all public sector banks in Kolkata and also to the Accountant Generals of other States.
- ii) A suitable entry regarding the revised pension/family pension and other benefits shall be made by the Treasury Officers in both halves of the Pension Payment Order. To facilitate the act of entering necessary changes in the pension/family pension and other relief in both halves of the Pension Payment Order, the concerned pensioner shall submit his P.P.O. book to the treasury/public sector bank in Kolkata as the case may be and intimation regarding disbursement of the revised pension and other relief may be sent to the treasury officers to the public sector bank in Kolkata to the accountant General (A&E), West Bengal who issued the P.P.O. in the form given at Annexure-III to this Memorandum to enable the latter to update the P.P.O. register maintained by them.
- iii) The revised pension / family pension as worked out in Columns 5 & 6 of Annexure-II shall be treated as final basic pension/family pension w.e.f. 1.1.2006 and shall qualify for the grant of relief on pension/family pension sanctioned thereafter.
- iv) The amount of gratuity, if any, paid earlier to the Judicial Officers, who retired on or after 1.1.2006, according to the Rules prevailing at the material time will be adjusted against the revised gratuity calculated on the basis of the revised emoluments, i.e. last pay drawn by the pensioner, subject to the maximum ceiling of Rs. 10 lakhs. The pension sanctioning authority will make the revised calculation and send the revised calculation of the gratuity showing the adjustment to the Accountant General (A&E), West Bengal for authorisation of payment of the balance amount of gratuity. This exercise has to be completed within two months from the date of issue of this Memorandum so that payments of arrears may be completed by 31st March, 2011 as per the direction of the Hon'ble Supreme Court of India.

- v) The option for commutation of pension as referred to in Para-C of this Memorandum shall be exercised within one month from the date of issuance of this Memorandum before the Pension Sanctioning Authority.
- vi) The arrears of pension, gratuity and other relief from 1.1.2006 till the date of actual revision shall be paid by one instalment. If any pensioner/family pensioner has expired during this period the arrear pension shall be paid to his/her nominee(s) or in case if there is no nomination to his/her legal heir(s).

This order issues with the concurrence of the Finance (audit) Department vide their U.O. No. 3255 dated 21.10.2010.

Sd/-

(K. Y. S. Manhas)
Principal Secretary-in-Charge
to the Government of West Bengal
Judicial Department

Annexure-I

**REVISED COMMUTATION VALUE FOR A PENSION OF Re. 1 PER ANNUM In terms of
Memo. Mo. 201-F(Pen) dated 25.02.2009**

Age on next birthday	Commutation value expressed as number of year's purchase	Age on next birthday	Commutation value expressed as number of year's purchase	Age on next birth day	Commutation value expressed as number of year's purchase
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63.	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

[Basis: LIC(94-96) Ultimate Tables and 8.00% interest]

Annexure-II

Table showing existing basic pay, dearness pay, total emoluments, revised pay revised pension, revised family pension

Serial No.	Pay	DP	Total Emoluments for calculation of pension	Pay	Revised pension	Revised family pension
					@ - 50%	@ - 30%
1	9000	4500	13500	27700	13850	8310
2	9250	4625	13875	28740	14370	8622
3	9500	4750	14250	29240	14620	8772
4	9750	4875	14625	30010	15005	9003
5	10000	5000	15000	30780	15390	9234
6	10250	5125	15375	31550	15775	9465
7	10500	5250	15750	32320	16100	9696
8	10750	5375	16125	33090	16545	9927
9	11050	5525	16575	34010	17005	10203
10	11350	5675	17025	34930	17465	10479
11	11650	5825	17475	35850	17925	10755
12	11950	5975	17925	36770	18385	11031
13	12250	6125	18375	37690	18845	11307
14	12550	6275	18825	38610	19305	11583
15	12850	6425	19275	39530	19765	11859
16	13150	6575	19725	40450	20225	12135
17	13500	6750	20250	41530	20765	12459
18	13850	6925	20775	42810	21305	12783
19	14200	7100	21300	43690	21845	13107
20	14550	7275	21825	44770	22385	13431
21	14900	7450	22350	45850	22925	13755
22	15250	7625	22875	46930	23465	14079
23	15600	7800	23400	48010	24005	14403
24	15950	7975	23925	49090	24545	14727
25	16350	8175	24525	50320	25160	15096
26	16750	8375	25125	51550	25775	15465
27	17150	8575	25725	52780	26390	15834
28	17550	8775	26325	54010	27005	16203
29	17950	8975	26925	55240	27620	16572
30	18350	9175	27525	56470	28235	16941
31	18750	9375	28125	57700	28850	17310
32	19150	9575	28725	58930	29465	17679
33	19600	9800	29400	60310	30155	18093
34	20050	10025	30075	61690	30845	18507
35	20500	10250	30750	63070	31535	18921
36	20950	10475	31425	64450	32225	19335
37	21400	10700	32100	65830	32915	19749
38	21850	10925	32775	67210	33605	20163
39	22350	11175	33525	68750	34375	20625
40	22850	11425	34275	70290	35145	21087
41	23350	11675	35025	71830	35915	21549
42	23850	11925	35775	73370	36685	22011
43	24350	12175	36525	74910	37455	22473
44	24850	12425	37275	76450	38225	22935

****Total emoluments consist of basic pay and dearness pay in the previous scale taken for the purpose of determining the pre-revised basic /faulty pension**

Annexure-III

To
The Accountant General (A&E), West Bengal
Treasury Buildings,
Kolkata-700001

Form of intimation by the Pension Disbursing Authority to the P.P.O. issuing authority regarding Pension and Family Pension in terms of the Judicial Department Memo No dated.

1. Name of Pensioner/family pensioner :
2. Pension Payment Order No. :
3. Date of allowing pension/family pension as per P.P.O. book :
4. Amount of average Emoluments for pension as noted in Col. No. 10 of Part-I of the P.P.O. Book :
5. Amount of revised basic pension/family pension with reference to Annexure-II to this memorandum and date of payment at the revised rate :
6. Date and amount of payment of Domestic Help Allowance and Medical Allowance as per this Memorandum :
7. Whether necessary changes have been recorded in both halves of the pension Payment Order, if not, reasons thereof :
8. Other information as required under Part-IV of the Pension Payment Order (Pensioner's Portion) in the prescribed format :

Signature of the Pension
Disbursing Authority