

**JOINT FORUM FOR RESTORATION OF OLD PENSION SCHEME  
(NJCA)**

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No.JFROPS/NJCA/2024

Dated: January 11, 2024

**Smt. Nirmala Sitharaman**  
Hon'ble Minister of Finance,  
(Government of India)  
North Block,  
New Delhi

Respected Madam,

**Sub: Memorandum demanding Defined Non-Contributory and Guaranteed Old Pension Scheme, in place of Contributory National Pension System, to the entire Central Govt. Employees, including Railways, Defence, Postal, Income Tax, Accounts & Audit, Central Secretariat, ISRO, DAE etc., Autonomous Bodies, Paramilitary Forces, all the State Govt./Union Territory Employees, including Primary Teachers, High School and Higher Secondary Teachers, College and University Teachers etc.**

With fervent hope we submit this **Memorandum**, on behalf of the entire workforce of the Central Government, Paramilitary Forces, State Government/Union Territory Employees and Teachers(right from Primary School to University level) etc., and sincerely hope that the major issue raised in the memorandum will be considered favorably by your honor in a dispassionate and judicial manner and justice will be accorded to them by ensuring a decent and dignified retired life by restoring **Defined Non-Contributory and Guaranteed Old Pension Scheme** to those who are recruited on or after 01.01.2004.

Your goodself might be aware that, owing to the reason that the National Pension System(NPS) fails to yield fruitful results, because a meagre amount, as Pension, is being paid to those superannuated under the Contributory NPS, different organizations of the Central Government Employees, State Government Employees as well as Teachers' Organizations(right from Primary School to University level) have been persistently demanding **restoration of the Defined Non-Contributory and Guaranteed Old Pension Scheme** in place of Contributory NPS.

This Forum, in the name of **Joint Forum for Restoration of Old Pension Scheme(NJCA)**, was consequently constituted under the banner of the NJCA, organizing all the Central Government and State Government Employees as well as Teachers' Organizations(right from Primary School to University level), employees of the Autonomous Bodies, in the month of January 2023, representing the entire section of the Government Employees, as indicated above.

It would not be out of context to mention here that the Central Government Employees play a vital role during their service by implementing policies of the Government in overall development of the country. It may further be noted that, they have always arisen to the occasion in case of any natural calamity, spread of the pandemic and safeguarding the borders etc. As their record explains, in the Indo-Pak War of 1965, the Railwaymen and the employees of the Defence and other departments played a significant role, facing the threat of life, which was duly appreciated by the then Hon'ble Prime Minister of India, **Shri Lal Bahadhr Shastri**.

In the recent COVID-19 Pandemic also, when Hon'ble Prime Minister had appealed to the countrymen to remain confine in their houses, Government Employees were in the field, particularly Railway Employees, employees of the Health Sector, Paramilitary Forces etc. had worked 24/7 to maintain uninterrupted supply chain of the essential commodities throughout the country by running more than 11,000 pairs of Goods Trains, including Parcel Express everyday, and thousands of the Government Employees lost their valuable lives due to the COVID-19 Pandemic infection while performing their duties.

Your goodself may further appreciate that the **Defined Non-Contributory and Guaranteed Old Pension** was introduced after sustained demand from the Government Employees, to lead a dignified and decent life after retirement, w.e.f. 1972.

Relevant portion from the judgement of Hon'ble Supreme Court of India, delivered on 17/12/1982 by Five-Member Bench of the Apex Court, which had declared, "**Pension is a Right which is enforceable by Law**", in WP No.5939-41 under Article 32 of the Constitution of India known as D.S. Nakra and other vs. Union of India, is produced below for your kind ready reference.

***"Para 31: From the discussion three things emerge (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 Rules which are statutory in character, because they are enacted in exercise of powers conferred by the Proviso to Art.309 and Clause (5) of Art. 148 of the Constitution; (ii) that pension is not an ex-gratia payment, but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the heyday of their life ceaselessly toiled for the employer on assurance that in their old age, they would not be left in the lurch..."***

It would be quite appropriate to mention here that the Staff Side of the National Council(JCM) has repeatedly raised its voice to restore **Defined Non-Contributory and Guaranteed Old Pension Scheme** in place of Contributory NPS for all the Government Employees, irrespective of their date of appointment, and subsequently in the **Standing Committee Meeting of the NC/JCM**, held under the Chairmanship of Secretary(Pers.), DoP&T on 14<sup>th</sup> December 2007, wherein, from the Government Side, the following assurance was given:-

**"For employees who had entered w.e.f. 01.01.2004 are not likely to be worse off visa-vis the current pension system in force, as the replacement rate would match to the present one. Thus, NPS is a win-win situation for employees and the Government".**

Regrettably, despite the aforesaid assurance, no fruitful result has yet been evolved and there is no comparison between the benefits under the OPS and those associated with the NPS.

A Comparative Chart, given hereunder, would clear the situation in a more effective manner:-

Old Pension Scheme	New Pension Scheme
Non Contributory, Defined and Guaranteed	Contributory and No Guarantee for minimum Pension
After 10 years of Qualifying Service, 50% of the Last Basic Pay of the Employees is Guaranteed as the Basic Pension	No Such Guarantee and Pension Depends on the accumulated Funds in the Pension account i.e. 40% of the Corpus should be invested in annuities of SBI, LIC, ICICI and HDFC & the return is only 7% per annum approximately
To compensate Price Rise / Inflation depending upon the Consumer Price Index two installments of Dearness Relief on the Basic Pension is given every year i.e. on 1 <sup>st</sup> of January and 1 <sup>st</sup> of July.	No Compensation for Price Rise and the Pension remains Static.
While on Retirement / Superannuation 40% of the Pension can be Commuted and taken in advance and the same will be restored back after 15 years from the date of Commutation.	No such provision is available.
After death of the Pensioner, Family Pension is eligible for the Spouse, Unmarried Daughters, Divorcee Daughters, Widow Daughters, Physically Challenged and Mentally Retarded Childrens are eligible for Family Pension.	Family Pension Provision is available in the NPS only if an employee die in service depending upon the option given by him. However, Family pension is not available after the death of the pensioner.
20% Additional Basic Pension - after 80 years and less than 85 years of age. 30% Additional Basic Pension – after 85 years to less than 90 Years of age. 40% Additional Basic Pension – after 90 years to less than 95 years of age. 50% Additional Basic Pension – after 95 years to less than 100 years of age. 100% Additional Basic Pension – after 100 years or more.	No such provision.
Pension is Revised/Enhanced after every Pay Commission or whenever Pay hike in basic pay with retrospective effect takes place after superannuation.	No such provision exists, since Pension in NPS based on the accumulated fund in the Corpus on the date of Retirement/ Superannuation.

The Staff Side of the NC/JCM took up this issue with the 7<sup>th</sup> CPC, and the Pay Commission, after considering all the concerns expressed by the Staff Side, the Government was kind enough to recommend appointing a **High Level Committee** to review recommendations of the NPS. The Government, accordingly appointed a High Level Committee, and the Staff Side of the NC/JCM also appeared before the committee and placed considered views and justification for withdrawal of the Contributory NPS. The Chairman of the committee assured to recommend appropriately to the Government, but unfortunately till date we are not aware of recommendation of the committee and implementation thereof.

The Government has recently appointed another committee, under the Chairmanship of Finance Secretary (Government of India), for proposing improvement in the NPS. The Staff Side of the National Council(JCM) also met the said Committee twice and expressed its views in regard to the NPS and requested the committee to recommend for restoration of the **Defined Non-Contributory and Guaranteed Old Pension Scheme** for the Government Employees appointed on or after 01.01.2004. The outcome of the said committee is still not known to the Staff Side.

It is worth to mention here that, since formation of the JFROPS(NJCA), on 21<sup>st</sup> January, 2023, more than one crore online petitions to Hon'ble President of India, and subsequently on **21<sup>st</sup> of every month**, right from the Unit, District and State levels, finally a **Historic Government Employees' Rally** was held on **10<sup>th</sup> August, 2023 in Ramlila Maidan, New Delhi**. The Government Employees, including the Teacher, are on **"Relay Fast" w.e.f. 8<sup>th</sup> January, 2024** under the banner of the JFROPS(NJCA) throughout the country.

Dear Madam, I sincerely hope, the anguish and agitation of the Government Employees, including Teachers, shall not give unnoticed and their demand for **restoration of the OPS** should be considered favourably at an earliest.

It would be highly appreciated, if an urgent meeting of the NC/JCM be called at the earliest to resolve this long pending significant issue of the Government Employees.

We, therefore, earnestly approach your goodself to consider the aforementioned facts in a sympathetic manner and take appropriate action to restore **Defined Non-Contributory and Guaranteed Old Pension Scheme** in place of Contributory NPS for all the Government Employees, appointed on or after 01.01.2004, to ensure their dignified and decent life after the retirement, for which we all shall remain ever grateful.

Awaiting a positive action/response from your good honor.

**With Kindest Regards,**

Sincerely yours,

  
(Shiva Gopal Mishra)  
Convener  
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