

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT (S-III)
5TH LEVEL, B-WING, DELHI SECRETARIAT,
I. P. ESTATE, NEW DELHI-110 002

No. F.16 (1)(I)/Misc./2023/S.III/Vol.III/1811-1813

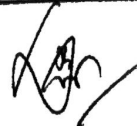
Dated: 16/10/2023

OFFICE MEMORANDUM

Sub: Receipt of representations/options for consideration under the Old Pension Scheme in place of National Pension System in terms of DoPT OM No. 57/05/2021-P&PW (B) dated 03.03.2023.

Consequent upon introduction of National Pension System (NPS) vide Ministry of Finance notification dated 22.12.2003, all Government servants appointed on or after 01.01.2004 to the posts in the government service are mandatorily covered under the said scheme.

2. However, after considering the representations/references of employees and various Judgments of Hon'ble Courts, Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India has given the one time option to switch to the Old Pension Scheme under CCS (Pension) Rules 1971 Vide Office Memorandum no. 57/05/2021-P&PW (B) dated 03.03.2023 for those employees who have been appointed against a post or vacancy which was advertised/notified for recruitment/appointment, prior to the date of notification for National Pension System i.e. 22.12.2003 and is covered under National Pension System, on joining service on or after 01.01.2004. The option to be covered under the CCS (Pension) Rules, 1972 is to be exercised by concerned government servants latest by 31.08.2023.
3. Further, in the Service matters, the rules/regulations/OMs issued by GoI are applicable to various Civil Services/ Civil Posts of GNCTD, for Delhi being a UT and accordingly the aforesaid Office Memorandum was endorsed by Finance Department, GNCT of Delhi vide letter no.F.20/07//2022/Finance (policy)/951-959 dated 12.04.2023
4. In this regard, it is worth referring to the para 7 of the above mentioned Office Memorandum dated 03.03.2023 which stipulates that the matter regarding coverage under the CCS (P) Rules, 1972 (now 2021) is to be placed before the Appointing Authority of the posts for which such option is being exercised for consideration in accordance with the instructions.



5. Despite the fact that the aforementioned Office Memorandum is self explanatory in all aspects and clearly states that the one -time option exercised by the Government official(s) is to be placed before the appointing authority of the post for which such option is being exercised by the official(s), Services Department is in receipt of representations regarding coverage under the Old Pension Scheme under CCS (Pension) Rules, 1972 (now 2021). All such representations are received either directly from the official(s) i.e. without proper channel or through the concerned department without any specific query/comments regarding admissibility.
6. It is clarified that Services Department is Cadre controlling authority in r/o GNCTDSS and Stenographer Cadre of GNCT of Delhi and in terms of above referred provisions of Office Memorandum dated 03.03.2023 Services Department has no role to play in the matter. If any official is to submit such option, he/she must submit the same to the appointing authority of the post for which such option is exercised and the appointing authority of such post shall take decision in terms of the extant rules/regulations on admissibility of such claim.
7. For the convenience of the concerned official(s)/authorities a case in example is being quoted as below:

An employee 'X' was appointed to the Group 'C' post of Grade-IV (GNCTDSS) (erstwhile DASS) on 01.01.2005 and was covered under National Pension System on joining the Service in Department 'A'.

However, the vacancies were notified for recruitment on 01.11.2003 i.e. before the notification of National Pension System on 22.12.2003. Now, the employee 'X' currently posted in 'B' department (on transfer) in the meantime has been promoted to a Group 'B' post say Assistant Section Officer.

Therefore, in terms of Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India Office Memorandum dated 03.03.2023 the official will exercise his one-time option for coverage under Old Pension Scheme to the appointing authority of such post for



which such option is exercised i.e. Grade-IV (GNCTDSS) i.e. Head of Department in the present Department 'B' as the post of Grade-IV is Group 'C' Post.

The appointing authority shall take decision on the admissibility of such option in perspective of the provisions of the Office Memorandum and issue necessary orders latest by 31st October 2023.

8. However, the concerned authority if intends to seek any specific clarification on the provision(s) of the aforementioned Office Memorandum, the same may be obtained from the Advice Cell (Services Department). However, the proposal to seek such clarification shall be in the form of a consolidated proposal with the comments of the concerned department and a clear reference to the provisions for which the clarification is being sought.
9. In this regard, I am further directed to state that any representation received from Official(s) of DSS/ Stenographer Cadre for considering their names for the benefits under Old Pension Scheme will not be entertained in this department.
10. This issues with the approval of Competent Authority.


(BHAIRAB DUTT)
DEPUTY SECRETARY (SERVICES)

To,

All HODs, Govt. of NCT of Delhi.

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Dated: 16/10/2023

Copy to:

1. S.O (Co-ordination), Services Department, for uploading it on website of Services Department for information of all concerned.
2. All DSS/ Stenographer Cadre officials of GNCT of Delhi with the directions to submit their representation in their respective department.


(BHAIRAB DUTT)
DEPUTY SECRETARY (SERVICES)