

No.14028/25/94-Estt.(L)

Government of India

Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, Dated the 7th Oct.:96

OFFICE MEMORANDUM

Subject:- Removal of disparity between Industrial & Non-industrial employees of Departments other than Railways in respect of encashment of Half Pay Leave on superannuation and in cases of death while in service.

The undersigned is directed to refer to this Department's OM No.12012/1/82-Estt.(L), dated 8.1.86 and 8.5.87 on the subject mentioned above and to say that this Department has been considering the question whether the parity granted w.e.f.1.1.85, under the aforesaid orders issued in implementation of the Award of Board of Arbitration in C.A. Reference No.2 of 1983, in case of Half Pay Leave (HPL) between industrial and non-industrial employees of the Departments other than Railways, should be extended also to encashment of HPL on superannuation etc. since allowed to non-industrial employees in implementation of Award of Board of Arbitration in C.A.Reference No.1 of 1986 and it has now been decided, in consultation with the Ministry of Finance and the Ministry of Law, that encashment of HPL on superannuation may also be allowed in respect of industrial employees who are governed by Factories Act, 1948. Accordingly, the provisions of this Deptt.'s OM No.14020/1/90-Estt.(L), dt. 6.4.93 (as amended vide OM of the same number dt.13.4.94), (copies enclosed) allowing encashment of HPL to Central Govt. employees on superannuation shall be made applicable mutatis-mutandis to industrial employees governed by Factories Act, 1948 and the entire Half Pay Leave at the credit of such industrial employees who retired/retire on superannuation on or after 1.1.85 shall be allowed to be encashed subject to the conditions mentioned in the said OM and pension and pension equivalent of other retirement benefits shall be deducted from

the amount payable as cash equivalent as per the formula prescribed therein. If leave salary for the Half Pay Leave component falls short of pension & other pensionary benefits, cash equivalent of Half Pay Leave shall not be granted. In the case of persons retiring with CPF benefits, the amount of employer's contribution plus the interest thereon and the amount of gratuity received may be treated as pensionary benefits. For this purpose, the formulae for calculating the pension and pension equivalent of gratuity may be the same as circulated vide this Deptt.'s OM No.14028/6/93-Estt.(L), dt.24.10.94 (copy enclosed).

2. HPL encashment in cases of death of an industrial employee on or after 1.1.85, while in service or after superannuation but before actual receipt of cash equivalent of HPL salary may also be allowed wherever due in terms of this Deptt.'s OM No.14020/2/93-Estt.(L), dt.29.3.95 (copy enclosed), subject to the deductions as per formula mentioned therein.

3. These Orders will also apply in the case of employees working in the Ministry of Defence (industrial workers).

4. These orders will take effect from 1.1.85.



(B. GANGAR)

Under Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India

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New Delhi, the 7th Oct, 1996

Copy also forwarded to:-

1. Office of the Comptroller & Auditor General of India.
2. Office of the Controller General of Accounts, Ministry of Finance.
3. Secretaries to Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Sectt./Rajya Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/President's Sectt./Vice-President's/Prime Minister's Office/Planning Commission.
4. All State Governments and Union Territories.
5. Governors of all States/Lt. Governors of all Union Territories.
6. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/Departmental Council.
8. All Officers/Sections of DOPT/Deptt. of Administrative Reforms & Public Grievances /Department of Pensions & Pensioners' Welfare/PESB.
9. Ministry of Finance, Department of Expenditure, with reference to their I.D.No.705/E.V/266 dt. 16.8.96.
10. Official Language Wing (Legislative Deptt.) Bhagwan Dass Road, New Delhi.
11. Railway Board, New Delhi.
12. 500 spare copies.


(B. GANGAR)

Under Secretary to the Govt. of India