

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

(Estd. 1965, Regd. No.1329, Website <http://www.irtsa.net>)

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No:IRTSA/CHQ/Memo. 2021-10

Date:28.07.2021

Hon'ble Minister for Finance,
Government of India,
North Block, New Delhi-110001.

Respected Madam,

Subject: Payment of additional installments of DA & DR due on 01.01.2020, 01.07.2020 & 01.01.2021 with arrears.

Ref: 1) Ministry of Finance, Department of Expenditure OM No.1/1/2020-E-II (B), dated 23-04-2020, 20.07.2021

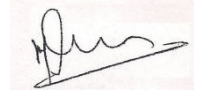
2) Dept of pension & pensioners' welfare OM No.42/07/2021-P(P&W)D 22.07.2021

- 1) Government decided to pay additional installments of Dearness Allowance (DA) for Central Government employees and Dearness Relief (DR) for Central Government pensioners & family pensioners due on 01.01.2020, 01.07.2020 and 01.01.2021 vide O.Ms cited in reference. DA & DR are revised from existing 17% to 28% w.e.f. 1st July 2021.
- 2) O.M. says that, Rates of DA & DR from 01.01.2020 to 01.07.2021 remains 17%, depriving the Central Government Employees and Central Government Pensioners & Family Pensioners compensation for the price raise during these 18 months.
- 3) Employees retired during this period were put in adversity by getting reduced retirement gratuity, service gratuity, death gratuity, leave encashment, etc.
- 4) All Central Pay Commissions and fair wages committee have recommended clear necessity for continuing payment of DA & DR to neutralize substantial increase in cost of living. Hon'ble Supreme Court of India also ruled that, salary & pension are not a bounty, it is matter of right protected by the constitution.
- 5) In its recent judgement on SLP (C) N0.12553 of 2020 Hon'ble Supreme Court ordered that **"The direction for the payment of the deferred portions of the salaries and pensions is unexceptional. Salaries are due to the employees of the state for services rendered. Salaries in other words constitute the rightful element of the employees and are payable in accordance with law. Likewise, it is well settled that the payment of pension is for years of past service rendered by the pensioners to the state. Pensions are hence a matter of a rightful entitlement recognized by the applicable rules and regulations which govern the service of the employees of the state."**
- 6) Hon'ble Supreme Court further ordered that, **"the Government of Andhra Pradesh shall pay simple interest computed at the rate of 6% per annum on account of deferred salaries and pensions within a period of thirty days"**.
- 7) In the above mentioned case between Government of Andhra Pradesh and its employees/pensioners, when State Government deferred salary & pension due to economic consequences of the lockdown because of COVID-19. Both High Court & Supreme Court not agreed with the decision taken by the state Government to defer the salary & pension due to cessation of the revenue inflows and extra burden imposed on state's resources to contain the epidemic & to provide relief to the people.
- 8) Hardship faced by citizens of the country due to spread of Corona Virus, lock down & restrictions imposed by Government are being faced by Government employees also. Infact employees and their families affected in large numbers, since many of the employees have to deliver their responsibilities braving the risk of corona virus. It is evident from the fact that nearly 1.2 lakh employees of Indian Railways were infected by corona virus and 3000 employees died due to the virus.

- 9) Government extended stimulus packages, concessions and aids for Industrial houses, corporates, MSMEs, farmers, traders, etc. At the same time Government employees were put in severe hardship by deferring the due DA, HRA and TA. It is also pertinent to note that these employees paid their income tax promptly during pandemic and at all times.
- 10) **It is therefore requested that frozen additional installment of DA & DR, 4% from 01.01.2020, 7% from 01.07.2020 and 11% from 01.01.2021 may please be paid as arrears to the employees and pensioners.**

Thanking you

Yours' faithfully,



**M. Shanmugam
Central President/IRTSA**

Copy for Information with a request to please consider and recommend our submissions:

Hon'ble Members of Parliament