

No.562/FD/F3/2016
GOVERNMENT OF PUDUCHERRY
FINANCE DEPARTMENT

dt. 16 JUL 2016

CIRCULAR

Sub: Finance-F3- Issuance of instructions on grant of benefit of pension and other retirement benefits following the orders of Tribunal/court – reg.

In the recent past issuance of orders by Tribunals/Courts on the subject of pension and other retirement benefits lead to grant of benefits which would otherwise have not been admissible under the existing Rules/Policies/Guidelines. Non effective defending of such cases by the Administrative department concerned in the Court/Tribunal results into such issuance.

On such issues, seeking advice of DP&PW, GOI is felt necessary before implementation.

The departments are therefore requested to ensure that all cases where implementation/ enforcement of any policy issues relating to pension/retirement benefits is *prima facie* challenged in a Court/Tribunal -be it at the stage of filing of application, or on the issuance of the final order- the matter is immediately brought to the notice of Department of Pension & Pensioners' Welfare (DP&PW), GOI and to the Department of Legal Affairs so that due process of consultation is completed and all available options are exhausted.

A copy of Cabinet Secretary's D.O.No.38/70/14-P&PW(A) dt.18.12.2015 on the subject is forwarded herewith for strict adherence.

-/ By Order /-

Encl : As above.


(P. AUGUSTIN LUCIEN DIAGOU)
Under Secretary (Finance)

To

1. All Secretariat departments.
2. All Head of Departments/Offices.

SPEED POST

F.No.15039/20/2016-UT(Coord.)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
(UT Division)

North Block, New Delhi,
Dated the 19th January, 2016

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY

No. 197/cs/2016/6

Received on 28/1/2016

Despatched on 9 JAN 2016

To

1. The Chief Secretary, Govt. of NCT of Delhi, Delhi Sachivalaya, I.P. Estate, New Delhi-110002.
2. The Administrator, UT of Dadra & Nagar Haveli, Secretariat, Silvassa.
3. The Administrator, UT of Lakshadweep, Kavaratti.
4. The Chief Secretary, UT of Andaman and Nicobar Islands, Port Blair.
5. The Adviser to the Administrator, UT Chandigarh, Chandigarh.
6. The Administrator, UT of Daman & Diu Secretariat, Daman, Moti Daman.
7. The Chief Secretary, Government of Puducherry, Puducherry.

Sub.

Guidelines to be followed while dealing with issues relating to pension/retirement benefits - regarding.

Sir,

I am directed to forward a copy of OM No.1-34020/78/2015-Coord.I dated 31/12/2015 alongwith a copy of Cabinet Secretariat's D.O. No. 38/70/14-P&PW(A) dated 18/12/2015 received from Secretary, Cabinet Secretariat, New Delhi on the above mentioned subject for information and necessary action.

Encl : As above

Office of the
Development Commissioner

No. 120/2016/Fin/PAIS

Received on: 29 JAN 2016

Despatched on: 12/1/16

Yours faithfully,

(Suman Chatterjee)

Under Secretary to the Government of India
Tel.: 23093599

// Copy authorised for issue //

A. Nandir

(A.NARENDIRAN)
Superintendent/F3 Section



Secy (Fin)

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5/UT(Coord.)/2016
5/11/16

Office of J.S. (UT)

No. 276230

IN.....

No. I-34020/78/2015-Coord.I
Government of India/ Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralaya

New Delhi, the 31/12/2015.

OFFICE MEMORANDUM

Subject: Guidelines to be followed while dealing with issues relating to pension/retirement benefits - reg.

The undersigned is directed to forward herewith a copy of Cabinet Secretariat's D O.No.38/70/14-P&PW(A), dated 18th December, 2015 on the above mentioned subject for information/ necessary action.


(H. Kujur)

Under Secretary to the Govt. of India
Tel : 23093856

[Encl: as above]

To

1. All Joint Secretaries in MHA(P).
2. AS & RGI.

// Copy authorised for issue //



(A. NARENDIRAN)
Superintendent/F3 Section

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Regd

C-669906/HS/W
संजय कुमार श्रीवास्तव 22/12
भारत सरकार के सचिव
Sanjay Kumar Srivastava
Secretary to Government of India



Sl. No. 11 (R)

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

D.O. No. 38/70/14-P&PW(A)

Dated: 18th Dec., 2015

Dear Secretary,

Under the Government of India (Allocation of Business) Rules, 1961, Department of Pension & Pensioners' Welfare is mandated to formulate policies and to coordinate matters relating to grant of retirement benefits to Central Government employees. The Department is also administering the Rules dealing with pension of Government employees.

2. As per instructions of Department of Expenditure (Ref: OM No: 7(32) E.III/92 dated 24.5.1993), in service matters/cases filed by Government servants/Associations where Union of India is one of the respondents, all such cases have to be defended by the Administrative Ministry/Department/Organisation in which the applicant is serving or served last. It has, however, come to the notice of DP&PW that some of the cases involving grant of retirement benefits filed in Courts/Tribunals by retired employees are not effectively defended by the Administrative Department concerned, resulting in issuance of orders by the Court/Tribunal to the effect that the applicant is granted benefits which would otherwise have not been admissible under the existing rules/policies/guidelines, but for the Court/Tribunal order. Further, the Administrative Ministry/Department also implements such orders without seeking advice of DP&PW on their implementation. Grant of higher benefits in such cases creates an anomalous situation leading to demand/claim for similar benefits by other similarly placed pensioners.

3. I would therefore, request you to ensure that in all cases where implementation/enforcement of any policy issues relating to pension/retirement benefits is *prima facie* challenged in a Court/Tribunal- be it at the stage of filing of application, or on the issuance of the final order- the matter is immediately brought to the notice of DP&PW and to the Department of Legal Affairs so that due process of consultation is completed and all available options are exhausted.

With regards

Yours sincerely,

// Copy authorised for issue //

A. Narendiran

(A. NARENDIRAN)
Superintendent/ F3 Section

Sanjay Kumar Srivastava
(Sanjay Kumar Srivastava)