

F. No. 4(73)/Fin. (Estb-III)/Part-III *ds E/593*
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT.
I.P. ESTATE, NEW DELHI 110002
CD:-012144602

Dated: *26/8/15*

ENDORSEMENT

The copies of the under mentioned papers are forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt of NCT of Delhi.
4. Commissioner M.C.D(North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Guard File.
9. Website of Finance Department.


(MANOJ KUMAR)
DY. SECRETARY-V(FINANCE)

List of paper forwarded

S N o	Name of the Ministry/Deptt.	O.M. No. and Date	Subject
1	Ministry of Personnel PG and Pensions (Department of Pension & Pensioners' Welfare), GOI	No.38/37/08-P&PW(A) dated 30.07.2015	Revision of pension of pre-2006 pensioners- reg.
2	Ministry of Personnel PG and Pensions (Department of Personal and Training)	No. 18/26/2011-Estt (Pay-I) dated 06.02.2014	Recovery of wrongful payments made to Government Servants.
3	Ministry of Finance, Department of Expenditure, Central Pension Accounting Office.	CPAO/Tech/Jeevan Pramaan/2015-16/554 dated 10.07.2015	Preparation of list of government servants due to retire along with their Aadhaar Numbers and incorporation of Aadhaar Number in PPO Booklet.

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No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi
Dated the 30th July, 2015

Office Memorandum

Sub:- Revision of pension of pre-2006 pensioners — reg.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

2. Several petitions were filed in Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011 in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. The above order was challenged by the Government by filing Writ Petition No.1535/2012 in respect of OA No. 655/2010 and WP No.2348-50/12 in respect of the three other connected OAs in the High Court of Delhi. The Hon'ble High Court in its common Order dated 29.4.2013 noted that the DoP&PW had, in the meanwhile, issued an OM No.38/37/08-P&PW (A) dated 28.1.2013 which provided for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner had retired. Hon'ble High Court observed that the only issue which survived was, with reference to Paragraph 9 of OM dated 28.1.2013 which makes it applicable w.e.f. 24.9.2012 instead of 1.1.2006. Hon'ble High Court of Delhi dismissed the Writ Petition No.1535/2012 along with three other Writ Petitions vide its order dated 29.4.2013. Special Leave Petitions (No.23055/2013 and No.36148-50/2013) filed against the said order dated 29/4/2013 of the Hon'ble Delhi High Court have also been dismissed by the Hon'ble Supreme Court.

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4. Accordingly, in compliance with the above judicial pronouncements, it has been decided that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with this Department's OM No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012. Further, this benefit has already been granted to the Applicants in OA No. 655/2010 vide OM of even No. dated 26/08/2014 read with OM dated 19/09/2015 following dismissal of SLP (C) No.23055/2013 by the Hon'ble Supreme Court.

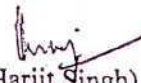
5. In case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

6. All other conditions as given in OM No. 38/37/08-P&PW (A) dated 1.9.2008, as amended from time to time shall remain unchanged.

7. Ministry of Agriculture, etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and subordinate Offices under them on a top priority basis. All pension disbursing offices are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

8. This issues with the approval of Ministry of Finance ID Note No. 1(9)/EV/2011-Vol.II dated 24.7.2015.

9. Hindi version will follow.


(Harjit Singh)
Deputy Secretary to the Government of India

To

1. All Ministries/Departments (as per standard mailing list)
2. All SCOVA Members
3. All identified Pensioners Associations

Copy to NIC for uploading on the website of the Department.

C/278
287/c
304/c

F. No. 18/26/ 2011-Estt (Pay-I) .
Government of India
Ministry of Personnel, PG and Pension
Department of Personnel and Training

North Block, New Delhi,
Dated the 6th February, 2014

OFFICE MEMORANDUM

Subject: Recovery of wrongful/excess payments made to Government servants.

The undersigned is directed to say that the issue of recovery of wrongful/excess payments made to Government servants has been examined in consultation with the Department of Expenditure and the Department of Legal Affairs in the light of the recent judgement of the Hon'ble Supreme Court in *Chandi Prasad Uniyal And Ors vs State Of Uttarakhand And Ors*, 2012 AIR SCW 4742, (2012) 8 SCC 417, decided on 17th August, 2012. The Hon'ble Court has observed as under:

15. We are not convinced that this Court in various judgments referred to hereinbefore has laid down any proposition of law that only if the State or its officials establish that there was misrepresentation or fraud on the part of the recipients of the excess pay, then only the amount paid could be recovered. On the other hand, most of the cases referred to hereinbefore turned on the peculiar facts and circumstances of those cases either because the recipients had retired or on the verge of retirement or were occupying lower posts in the administrative hierarchy.
16. We are concerned with the excess payment of public money which is often described as "tax payers money" which belongs neither to the officers who have effected over-payment nor that of the recipients. We fail to see why the concept of fraud or misrepresentation is being brought in such situations. Question to be asked is whether excess money has been paid or not may be due to a bona fide mistake. Possibly, effecting excess payment of public money by Government officers may be due to various reasons like negligence, carelessness, collusion, favouritism etc. because money in such situation does not belong to the payer or the payee. Situations may also arise where both the payer and the payee are at fault, then the mistake is mutual. Payments are being effected in many situations without any authority of law and payments

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have been received by the recipients also without any authority of law. Any amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships but not as a matter of right, in such situations law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment.

2. Hon'ble Supreme Court also distinguished the cases like *Shyam Babu Verma v UOI*, 1994 SCR (1) 700, 1994 SCC (2) 52, *Syed Abdul Qadir and Ors. v. State of Bihar and Ors.* (2009) 3 SCC 475, *Sahib Ram v. State of Haryana*, 1995 Supp (1) SCC 18 etc., where it had not allowed recovery of excess payment in view of the peculiar facts and circumstances of those cases so as to avoid extreme hardship to the concerned employees, for example, where the employees concerned were mostly junior employees, or they had retired or were on verge of retirement, the employees were not at fault, and recovery which was ordered after a gap of many years would have caused extreme hardship.

3. In view of the law declared by Courts and recently reiterated by the Hon'ble Supreme Court in the above cited case, *Chandi Prasad Uniyal And Ors vs State Of Uttarakhand And Ors*, 2012 AIR SCW 4742, (2012) 8 SCC 417, the Ministries/Departments are advised to deal with the issue of wrongful/excess payments as follows:

- i. In all cases where the excess payments on account of wrong pay fixation, grant of scale without due approvals, promotions without following the procedure, or in excess of entitlements etc come to notice, immediate corrective action must be taken.
- ii. In a case like this where the authorities decide to rectify an incorrect order, a show-cause notice may be issued to the concerned employee informing him of the decision to rectify the order which has resulted in the overpayment, and intention to recover such excess payments. Reasons for the decision should be clearly conveyed to enable the employee to represent against the same. Speaking orders may thereafter be passed after consideration of the representations, if any, made by the employee.
- iii. Whenever any excess payment has been made on account of fraud, misrepresentation, collusion, favouritism, negligence or, carelessness, etc., roles of those responsible for overpayments in such cases, and the employees who benefitted from such actions should be identified, and departmental/criminal action should be considered in appropriate cases.
- iv. Recovery should be made in all cases of overpayment barring few exceptions of extreme hardships. No waiver of recovery may be allowed without the approval of Department of Expenditure.
- v. While ordering recovery, all the circumstances of the case should be taken into account. In appropriate cases, the concerned employee may be allowed to refund the money in suitable installments with the approval of Secretary in the Ministry, in consultation with the FA.

- vi. Wherever the relevant rules provide for payment of interest on amounts retained by the employee beyond the stipulated period etc as in the case of TA, interest would continue to be recovered from the employee as heretofore.

4/276 *P-1471*
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(Mukesh Chaturvedi)
Deputy Secretary to the Government of India
Phone No. 23093176

To

All Ministries/ Departments (as per standard list)

Copy also forwarded to:

1. Secretary General / Registrar General, Supreme Court of India.
2. Secretary General of Lok Sabha Sectt. / Rajya Sabha Sectt.
3. Secretaries in Cabinet Sectt. / Central Vigilance Commission / President's Sectt. / Vice-President's Sectt. / Prime Minister's Office / UPSC / Planning Commission.
4. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
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 / Divisions / Sections of Deptt. of Personal & Training / Deptt. of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners Welfare/ PESB
9. Joint Secretary (Pers.), D/o Expenditure, Ministry of Finance.
10. Additional Secretary (Home), Ministry of Home Affairs.
11. Director NIC, DoPT- for uploading on the web site of the Department under Establishment "Pay Rules".
12. 25 Spare copies.

भारत सरकार
वित्त मंत्रालय, व्यय विभाग
केन्द्रीय पेंशन लेख कार्यालय
ट्रिकूट-II भीकाजी कामा प्लेस
नई दिल्ली-110066
फोन : 26174596, 26174456, 26174438



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
CENTRAL PENSION ACCOUNTING OFFICE
TRIKOOT-II, BHIKAJI CAMA PLACE,
NEW DELHI-110066
PHONES : 26174596, 26174456, 26174438

CPAO/Tech/Jeevan Pramaan/2015-16/ 554

O/o Director (NS) /MHA)
Dy. No. 458/10.07.2015
Date 20.7.2015

Office Memorandum

Subject: - Preparation of list of Government servants due to retire along with their Aadhaar numbers and incorporation of Aadhaar number in PPO Booklet.

1. As a part of Digital India initiatives, Digital Life Certification (DLC) of the pensioner has been made an option for submission of life certificate by the pensioner in the month of November each year. As the role of Aadhaar has become vital, a column for Aadhaar has already been provided in the Pension Payment Order booklet. Accordingly, all Heads of Offices have to ensure that wherever available same is provided to their Pay & Accounts Offices alongwith pension papers of the retiring government servants. In this regard, a provision has also been made in CAM-52 (PPO Booklet) by adding the following columns after existing column no.5.

6. Permanent Account Number for Income Tax (PAN)
7. Aadhaar No. (if Available)
8. Mobile No. (if Available)
9. E-Mail ID (if Available)

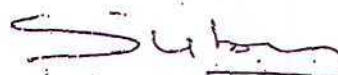
2. The seeding of Aadhaar with pensioners' PPO number and their bank accounts is being closely monitored by Prime Minister Office. While this information is being regularly collected by CPAO from banks, the processing of fresh pension cases alongwith Aadhaar number is a very important requirement for expediting seeding of Aadhaar number by banks with PPO number & bank account and smooth implementation of submission of DLCs by pensioners in the month of November.

3. Further, attention is invited to Rule 56 of CCS (Pension) Rules which provides that:-

- M.S.
- (1) Every Head of Department shall have a list prepared every three months, that is, on the 1st January, 1st April, 1st July and 1st October each year, of all Government servants who are due to retire within the next twelve to fifteen months of that date.
 - (2) A copy of every such list shall be supplied to the Accounts Officer concerned not later than 31st January, 30th April, 31st July or 31st October, as the case may be, of that year."

4. To avoid any delay in finalizing the pension cases all Heads of Offices should have first-hand information of the Aadhaar number while preparing the list of retiring government officials as per the provision of Rule 56 of CCS (Pension) Rules and should provide the same to the Accounts Officer concerned not later than 31st January, 30th April, 31st July or 31st October of that year:

5. It has been observed that during the month of June, 2015, out of 3101 fresh PPOs (Pension Payment Orders), only in 220 cases Aadhaar numbers have been indicated. All Pr. CCAs/CCAs/ AGs are once again requested to ensure that all fresh PPOs are sent to CPAO with Aadhaar numbers wherever available and quarterly list of would be retirees as mentioned in para 3 & 4 above also mention Aadhaar numbers wherever available.



(Subhash Chandra)
Controller of Accounts
Ph.011-26174809

To:-

1. Joint Secretary (Admn.) of all the Ministries/ Departments to ensure timely submission of the list of retiring government servants alongwith their Aadhaar numbers wherever available to Accounts Officer concerned and also to ensure that fresh PPOs mention Aadhaar number wherever available.
2. All Pr. CCAs/CCAs/CAs of all the Ministries/ Departments.
3. All AGs.

Copy for information to:-

1. Sr. PPS to CGA, O/o the CGA, 7th Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110 003.
2. PPS to Addl. CGA (A.N.), O/o the CGA, 7th Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110 003
3. PS to Chief Controller (Pensions), CPAO, New Delhi.
4. ~~Jt. Secretary (Pension), DOP&PW, New Delhi.~~


Controller of Accounts