

FINANCE DEPARTMENT
GOVT. OF NCT OF DELHI

No.12(03)/2016/T-1/Pr.AD/1503-1608

Date: 07/06/2016

To
All the Pr. Secretaries/Secretaries/
Heads of the Departments,
Govt. of NCT of Delhi,
Delhi/New Delhi

Sub : Implementation of the Court Orders on pension matters.

Sir/Madam,

The Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioner's Welfare in its OM No. 38/70/14-P&PW(A) dated 07-10-2015 has advised that in cases where the Courts have passed orders against the Govt. of India and where any policy issue relating to pension matter is involved such orders shall not be implemented by the Administrative Ministries/Departments without first referring the matter to their department for advice.

The Secretary to Govt. of India, Cabinet Secretariat, Rashtrapati Bhawan, new Delhi vide his DO No. 38/70/14-P&PW(A) dated 18-12-2015 has informed that implementation of the orders of the Courts/Tribunal on pension matters which are against the Government without consulting the department of Pension & Pensioner's Welfare, Govt. of India would result the grant of benefits which would otherwise have not been admissible under the existing rules/policies/guidelines.

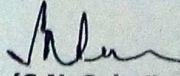
It has also been advised that in all cases where implementation/enforcement of any policy issues relating to pension/retirement benefits is prima facie challenged in a Court/Tribunal be it at the stage of filing of application, or on the issuance of the final order - the matter is immediately brought 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.

A copy of the orders of the Govt. of India, Department of Pension & Pensioner's Welfare OM No. 38/70/14-P&PW(A) dated 07-10-2015 and copy of DO No. 38/70/14-P &PW (A) dated 18-12-2015 of the Secretary to Govt. of India, Cabinet Secretariat is sent

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herewith with the request to ensure the consultation of the Finance and Law Department of Govt. of NCT of Delhi and thereafter the Govt. of India, Department of Pension & Pensioner's Welfare before taking a decision on the question of implementation or challenging such orders in the Higher Court.



(S.N. Sahai), IAS
Pp. Secretary (Finance)

No.12(03)/2016/T-1/Pr.AO/1609-1611

Date : 07/06/2016

Copy forwarded for information and necessary action to :

1. The Secretary (Services), Services Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
2. Spl. Secretary (Finance), Finance Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
3. All Pay & Accounts Officers, Pay & Accounts Offices, Govt. of NCT of Delhi, Delhi/New Delhi.


25/05/2016
Parkash Chand
Controller of Accounts

No.38/70/14-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 7th October, 2015

Office Memorandum

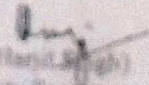
Sub.- Court Orders against DoP&PW Government of India Instructions on service matters – Consultation with Ministry of Law and DoP&PW on the question of filing appeals before implementation of Court's orders.

The undersigned is directed to say that it has come to the notice of this Department that in some cases where the Courts have passed orders against the Government of India, the administrative Ministry/Department has not consulted this Department on the question of filing appeal against such orders, before implementation of such orders.

2. Instructions have been issued from time to time that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs, Department of Personnel & Trg. and the Department of Pension & Pensioners' Welfare on the question of filing appeal against such an order before the time limit, if any, prescribed in such order or before the time limit for filing appeal under the rules.

3. It is therefore, reiterated that in all cases where any policy issue relating to pension matters is involved, the Department of Pension & PW should invariably be consulted before taking a decision on the question of implementation or otherwise of any order of a Court. No such order shall be implemented by the concerned Departments/Ministries without first referring the matter to this Department for advice.

4. In order to avoid any delay in processing of such matters, administrative Ministry/Department can consult this Department for any advice by personally visiting to this Department from 11:00 A.M. to 1:00 P.M. on every Wednesday.


(Name of Deputy Secretary)
Deputy Secretary
Tel No 34644534

All Ministries/Departments of the Government of India

Copy for information to: Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

C-669906/H511W
22/12
संजय कुमार श्रीवास्तव
भारत सरकार के सचिव
Sanjay Kumar Srivastava
Secretary to Government of India



Sl. No. 11(R)

(1/c)
मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIA
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,

Sanjay Kumar Srivastava