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F. No.31/Fin. (Estb-III)/2017/
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT.
I.P. ESTATE, NEW DELHI 110002
CD No:- 012433322

Dated: 27/6/17

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, P.G. & Pensions (Department of Pension and pensioners Welfare), GOI	No.20/16/1998-P&PW (F) Dated:-11.07.2013	Withholding of 10% gratuity from the retiring Government Servants - Clarification regarding.

No.20/16/1998-P&PW (F)
Government of India
Ministry of Personnel Public Grievances and Pensions
Department of Pension and Pensioners Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110 003
Dated the 11th July, 2013.

OFFICE MEMORANDUM

File/17/15429

Subject: Withholding of 10% gratuity from the retiring Government servants -
clarification regarding.

The undersigned is directed to refer to this Department's OM of even number dated the 19th February 2013 on the above cited subject and to say that this Department is still receiving representations from individuals and Pensioners Associations that Government Departments have been withholding 10% of the amount of gratuity from retirees even when they had not been provided any Government accommodation. This is in contravention of existing instructions.

2. The recovery and adjustment of Govt. dues from retirement gratuity is regulated under Rules 71 to 73 of the CCS (Pension) Rules, 1972. Rule (1) to (3) of Rule 72 ibid provide for recovery of actual amount of Govt. dues in respect of Govt. accommodation from pay & allowances before retirement and from Retirement Gratuity. Sub rule (5) of Rule 72 ibid stipulates that if, in any particular case, it is not possible for the Directorate of Estates to determine the outstanding licence fee, that Directorate shall inform the Head of Office that ten per cent of gratuity may be withheld pending receipt of further information. Further, if no Government accommodation is allotted to a Government servant, in accordance with Dte of Estate's OM No.18011/5/1990-Pol-III dated 12.10.2010, it is for the Administrative Ministry to issue an 'NDC'.

3. As regards recovery in respect of 'Govt. dues' other than those pertaining to Govt. accommodation, the Head of Office is required to complete assessment of such dues eight months prior to the date of retirement [Rule 73(2)]. The actual amount of such dues and the dues which come to notice subsequently and remain outstanding are to be adjusted against the amount of retirement gratuity becoming payable to the Govt. servant on retirement.

4. It is, therefore, clear that there is no provision for withholding any part of gratuity at the time of retirement for the purpose of recovery of outstanding government dues other than those pertaining to government accommodation and the onus of timely collection of license fee is on the Directorate of Estates. If the Directorate of Estate does not specifically inform the Administrative Department of the outstanding dues and requests for withholding of 10% gratuity for the outstanding license fee, Gratuity cannot be withheld on this account. The only other circumstance under which gratuity can be withheld is in case of ongoing disciplinary proceedings against the Government servant. Thus the Pay and Accounts Officer shall not withhold any gratuity unless the Head of Office

- (a) encloses instructions received from Directorate of Estate for withholding of 10% gratuity for outstanding license fee or
(b) Informs of ongoing disciplinary proceedings.

These instructions are for strict compliance of all Administrative Ministries/ Departments.

5. A revised FORM 8 - form of letter to the Accounts Officer forwarding the pension papers of Government servant is also enclosed. Formal amendment in the CCS(Pension) Rules for revised Form 8 will be notified later.

T. P. Ghosh
(Taru P. Ghosh)
Director (PP)
TEL: 24624802

1. All Ministries/Departments of the Government of India as per standard distribution list
2. Copy to President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Cabinet Secretariat, Supreme Court of India, C&AG, UPSC, etc. as per standard endorsement list.

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प्रधान सचिव (वित्त)
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