

**PUBLIC GRIEVANCES COMMISSION**  
**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110**  
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**Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97**

Grievance No. PGC/2019/Annex-II/Edn./02 (*Reopened*)

Date of hearing: 09.04.2019

Complainant : Sh. Nandan Singh – Present.

Respondent : The Director,  
Dte.of Education,  
Govt.of NCT of Delhi,  
Through Shri Manoj Dhingra, AAO  
Dr. Hari Ram , HOS, DAV Sr.Sec.School – Present.

**1. Brief facts of the case**

1.1 Sh. Nandan Singh, Retd. TGT Hindi, DAV Sr. Sec. School, Jangpura had filed a grievance in this Commission requesting for rectification of date of residual pension arbitrarily fixed as 25.10.2000 instead of 1.11.1999.

1.2 The case was closed on 27.2.2019 wherein Shri Manoj Dhingra, AAO, PAO-II who was present in the hearing submitted a report stating that the complainant retired from Govt. service on superannuation w.e.f. 31.10.1999. His payment of 40% of commuted portion of pension was made on 25.10.2000 as per provisions as contained in Rule 10(A) of Appendix-I of CCS (Pension) Rules, 1972 in cases where payment of commuted value of pension led / leads to a reduction in the second or subsequent month of the date of retirement. Restoration of such portion would be made after 15 years from the date of commutation i.e. from the date on which reduction in pension on account of commutation became / becomes effective. The retiree is requesting for restoration of pension after completion of 15 years from the date of retirement which is not as per CCS (Pension) Rules. During the intervening period of date of superannuation to the date of commutation (01.11.1999 to

24.10.2000), he has been paid full pension @ Rs. 4440/- per month. As per Hon'ble Delhi High Court Order in WP (C)/05562/2000, the pension has been revised to Rs. 4640/- on 11.06.2012. He also got 9% interest as per Hon'ble High Court orders.

1.3 Further, it was learnt that the complainant has been paid with all the legitimate dues in the past by the department.

1.4 The case has been reopened on the request of the complainant for restoration of commuted portion of pension w.e.f 25.10.2014, the date he attained the age of 75 years and on 25.10.2019, the date he attained the age of 80 years.

## **2. Facts emerged during the proceedings.**

2.1 An ATR has been filed on behalf of Shri Kamal Menghani, PAO-II, GNCT of Delhi, stating that Shri Nandan Singh, TGT of DAV Sr.Sec.School, Jangpura, retired from Government service on superannuation w.e.f. 31.10.1999.

His payment of 40% of commuted portion of pension was made on 25.10.2000 as per provisions as contained in Rule 10(a) of Appendix -1 of CCS(Pension) Rules, 1972 in cases where payment of commuted value of pension led/leads to a reduction in the second or subsequent month of the date of retirement. Restoration of such portion would be made after 15 years from the date of commutation i.e. from the date on which reduction in pension on account of commutation became/becomes effective.

The retiree is requesting for restoration of pension after completion of 15 years from the date of retirement which is not as per CCS(Pension) Rules.

During the intervening period of date of superannuation to the date of commutation (01.11.1999 to 24.10.2000), he has been paid full pension @ Rs.4440/- per month.

Moreover, as per Hon'ble Delhi High Court's order in WP(C) 5562/2000, the pension has been revised to Rs.4640/- on 11.6.2012.

2.2 Extracts of Rule 10-A (Restoration of commuted pension) of CCS(Pension) Rules, 1972 are reproduced below:-

*"It is clarified that the 15 year period for restoration may be reckoned from the date of retirement itself only in cases where commutation of pension was / is simultaneous with retirement. In other words, cases where payment of the commuted value of pension was / is made during the first month retirement leading to appropriate reduction on account of commutation in the first pension itself will be deemed to be falling in this category. In all other cases, i.e. where commutation of pension led / leads to a reduction in the second or subsequent month, the 15 year period will be reckoned from the date of*

*commutation i.e. from the date on which reduction in pension on account of commutation became/becomes effective.”*

2.2 The complainant reiterated that 40% portion of commuted pension should be given w.e.f. 1.11.1999 and that he received the arrears of pension and other benefits on 3.01.2001 under protest. However, the Asstt.Accounts Officer present during the proceedings stated that commuted pension can not be given w.e.f. 1.11.1999 as per rules and also this gap has occurred due to litigation proceedings during that period in the Hon'ble High Court of Delhi. Also during the intervening period of date of superannuation to the date of commutation (01.11.1999 to 24.10.2000), he has been paid full pension @ Rs.4440/- per month.

2.3 Vide orders dated 02.8.2011 in WP(C) No.5562/2000 “Nandan Singh Vs. GNCT of Delhi & Ors, the Hon'ble High Court of Delhi directed that *“within a period of twelve weeks from today Respondents 1 to 3 i.e. the DoE and the Accounts Branch of the DoE will fix his pension and retiral benefits on the basis of his basic pay of Rs.2420/- in the scale of Rs.1640-2900 as on 10<sup>th</sup> February, 1990 and release to the Petitioner his pensionary / retiral benefits including arrears of pension together with simple interest @ 9% per annum with effect from the date such amount became due up to the date of payment. In making such payment, the amount already paid to the workman during the pendency of this petition will be accounted for. For any delay in releasing the payment beyond twelve weeks, Respondents 1 to 3 will pay to the Petitioner penal simple interest @ 12% per annum for the period of delay. Respondents No 1 to 3 will also pay to the Petitioner costs of Rs.5,000/- within a period of four weeks.”*

2.4 The Commission heard submissions of the complainant and the respondent at length and also gone through the documents on record.

### **3. Directions:**

3.1 In view of the position under Rule 10(A) of CCS (Pension Rules), 1972, as explained by the Asstt.Accounts Officer in his ATR; receipt of retiral benefits including arrears of pension together with simple interest @ 9% by the complainant as per Hon'ble High Court of Delhi orders dated 02.8.2011, and also during the intervening period of date of superannuation to the date of commutation (01.11.1999 to 24.10.2000), he has been paid full pension @ Rs.4440/- per month, the case is disposed of in the Commission for no further action required to be taken by the respondents.

3.2 The complainant, if he so wishes, may explore legal remedy by approaching court of law or any other appropriate forum.

**( MRS. MADHU SHARAN )**  
**MEMBER(PGC)**

No. PGC/2019/Annex-II/Edn./02 **(Reopened)**

Dated:

**Copy to:**

1. The Director, Dte. of Education, Govt.of NCT of Delhi, Old Secretariat, Delhi-110054.
2. The DDE (HQ)/ Nodal Officer, Dte. of Education, Govt.of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Pay & Accounts Officer, Pay & Accounts Office-II, GNCT of Delhi, West Block-4, R.K. Puram, New Delhi-110022.
4. Sh.Nandan Singh.

