FINANCE DEPARTMENT

OFFICE MEMORANDUM

No.35603—Pen-30/90-F.

The 23rd October 1990

Subject—Expenditious disposal of pension cases

On retirement, when a Government servant ceases to draw pay and allowances, he should be given pension when it is duo. Government in Finance Department have issued instruction from time to time for simplification of procedure for sanction of pension, gratuity to the retired Government servants. It has been enjoined in the Office Memorandum dated the 1st January 1986 that every Head of Office is required to adhere to the schedule for timely preparation of pension papers well in advance of the date of retirement. According to instructions, the processing of pension papers should be completed 8 months in advance of the date of retirement. It has however been brought to the notice of Government by the Accountant-General that the pension papers are not being sent to the office of Accountant-General as per the time schedule proscribed. Besides, the pension papers are sent in incomplete manner which causes much delay in issue of P.P.O. and G.P.O. in favour of the retired Government servants. Similarly family pension cases are not sent to the Accountant-General Office immediately after the death of the Government servant, but after long periods of delay ranging from one month to 20 years. Such delay in payment of pension/family pension has been adversely commented on the floor of the Assembly. In some cases, the Government servants are taking recourse to the Court of law where the Court while upholding the prayar of the petitioners direct payment of interst at the rate of 12% per annum for abnormal delay in finalising pension/family pension cases. The Court has also stipulated that responsibility should be fixed on the concerned Officer for the delay. This not only puts the Government in an embarassing position but also puts undue strain on the State exchequer. To avoid sush contingencies, it is once again emphasised that the pension sanctioning authorities/Head of Office should adhere to the instructions contained in the Finance Department Office Memorandum, dated the 1st January, 1986 for timely processing of pension papers i.e. 8 months before the date of retirement and the same should be sent to Accountant-General Office at lest six months before retirement. The pension papers should be completed in all respects and free from defects. The Pension Sanctioning Authorities/Head of Office are to check up the pension papers with reference to the check lists prescribed in G. O. No. 41441, dated the 8th November 1989.

The lists of persons due to retire within 24—30 months should also be furnished to Accountant-General/Finance Department regularly as per instructions contained in Office Memorandum, dated the 1st January 1986.

Any failure to observe the above guidelines will be seriously viewed.

P. K. PATNAIK

Secretary to Government

FINANCE DEPARTMENT

No. 37516 (219)—Pen.77/90-F.

The 9th Novermber 1990

To

All Departments of Government/All Heads of Deparment

Subject:—Expeditious steps for vacating the stay Order of Orissa Administrative Tribunal in respect of cases filed before the Tribunal for challenging the date of superannuation or other service benefits.

The undersigned is directed to asy that it has come to the notice of Finance Department that the Government employees are often filing applications before the State Administrative Tribunal challenging their valid date of superannuation on various reasons and also relating to other seivice benefits.

Sometimes, the State Administrative Tribunal are passing interim stay orders on the retirement of the petitioners and also on implementation of adverse service measures, as a result of which the petitioners are continuing in service beyond the date of their actual superannuation and also getting service benefits to which they are not legally entitled to. Instances have come to the notice of Government that in the concluding decision of the Tribunal in many such cases, the petitioners have failed to substantiate their claims and thereby ordered for dismissal or rejection of their petitions by the Tribunal, But by the time the final judgement is delivered the petitioners have either overstayed in service beyoned the actual date of their superannuation or have enjoyed the service henefits to which they are not entitled to as per the service rules. Due to their overstay in service and enjoying service benefits irregularly Government are put to embarassing situation to regularise the overstayal period subsequently and also the other service benefits availed by the petitioners. The overstayal period of the petitioners are being regularised by means of re-employment and several other complicacies are arising due to grant of service benefits irregularly to the petitioners to which they are not entitled to.

In view of the above facts, it is impressed upon all concerned that whenever any interim orders are passed by the Court staying implementation of the orders of Government on retirement of the employees or other service measures, appropriate action should be taken to vacate the stay orders of the Court as soon as possible by giving required information/supporting documents parawise reports etc. to the concerned Government Advocates for preparation of counters, in time so that the Advocates will be in a position to defend the case on the date fixed by the Tribunal.

The authorities should try their best to give necessary briefs to the concerned Advocates without requesting for further time before the Court as far as practicable.

S. K. RATH

Joint Secretary to Government

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

CONTROLLER GENERAL OF ACCOUNTS
8TH FLOOR, LOK NAYAK BHAWAN
KHAN MARKET, NEW DELHI—110003

DEPARTMENT OF EXPENDITURE

OFFICE MEMORANDUM

No. 1029/14(5)86-TA

The 9th October 1986

Subject—Simplification of adjustments on account of allocation of leave salary and pension between Central and State Governments.

The Government of India appointed a Committee to review the existing G.F. Rs., Treasury Rules and Account Code Vol. I and to make conceptual suggestions for their revision so as to simplify and rationalise these rules. The Committee in Chapter 5 of its Second Report has examined the existing system of allocating the liability on account of leave salary and pensionary charges of the Government servants who havo served under the Central Government and State Governments as contained in Appendix-3-B-II and IV of Account Code Vol. I and made the following recommendations:-

(a) The practice of realising leave salary contributions may be dispensed with altogether as this is a very small fraction of amounts payable to State Government on account of deputation of their officers to the Central Government.

(*b*) Recovery of leave/pension contributions in respect of inter-State transactions, which must be few and far between and could be given up.

(*c*) In regard to pensionary liability the Central Government may forgo any contribution recoverable from State Governments to whom Central Government Officers are deputed.