

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 beyond the actual date of their superannuation or have enjoyed the service benefits 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 embarrassing 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 complications 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.

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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 have 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.

(d) In lieu of Central Government liability towards pension of State Government officers (mainly All-India Service Officers) who are deputed to Centre for varying shells an *ad hoc* grant payable to each State Government may be worked out at the beginning of the financial year and disbursed to them in one lump sum as Grant-in aid (Non-Plan) on the basis of a simple formula which takes into account cadre strength, and average length of deputation of All-India Service Officers to Central Government.

2. Pursuant to the above, it has been decided in consultation with the State Governments to dispense with the system of allocation of leave salary and pension between Central and State Governments as specified below:—

- (a) *Leave Salary*—The existing system of allocation or sharing of the liability on account of leave salary contributions by Central Government to State Government or *vice versa* will be dispensed with. The liability for leave salary will be borne in full by the Department from which the Government servant proceeds on leave, whether it be his parent Department or a borrowing Department with whom he is on deputation.
- (b) *Pension*—The liability for pension including gratuity will be borne in full by the Central/State Department to which the Government Servant permanently belongs at the time of retirement. No recovery of proportionate pension will be made from Central/State Government under whom he had served.
- (c) *Contributory Provident Fund*—The liability of Government contributions will be borne by the parent Department or the Central or State Government and no share of contributions will be recovered from any borrowing Department.

3. It has also been proposed to extend the above provisions to exchange of officers between two State Governments. Accordingly there will be no allocation leave salary/pension contribution among the Departments of the various State Governments.

4. These orders will take effect from 1st April 1987 and will apply to all cases of leave salaries and pensions sanctioned on or after that date.

5. Necessary action in regard to the payment of compensation in the form of grant-in-aid as envisaged in Para. 1(d) above, to each State Government in lieu of Central Government liability towards pension of State Government officers is being taken separately.

6. This issues with the concurrence of the Comptroller and Auditor-General of India vide his U. O. No. 114-AC.I/163-86 Vol. II, dated the 3rd October 1986.

P. V. DESAI

Jt. Comptroller-General of Accounts

Memo. No. 37595 (238)

FINANCE DEPARTMENT

The 9th November 1990

Copy forwarded to all Departments of Government/Heads of Departments/District Offices/A.-G., Orissa, Bhubaneswar/Dy. A.-G. (Accounts), Orissa, Puri for favour of information and general guidance.

The revised procedure of allocation of leave salary and pension contribution will be applicable to both Permanent and Temporary Government employees of Central and State Government. Where the system of apportionment of pension liability was in vogue.

These orders will take effect from the 1st April 1987 and will apply to all cases of leave salaries and pension sanctioned on or after that date.

S. K. RATH

Joint Secretary to Government