

Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt – 110010

No. LC/3024/Court/Misc.

Dated: 08-01-2016

To

All PCsDA/PCsA/PIFA
CsDA/CsFA/IFA

Subject: Instruction for implementing court orders regarding grant of retirement benefits-regarding

Please find enclosed a copy of DO No. 38/70/14-P&PW(A) dated 18-12-2015 from Shri Sanjay Kumar Srivastava, Secretary, Cabinet Secretariat on the above subject matter received vide MoD (Fin) ID No. 17(2)/C/2016 dated 07-01-2016. The ibid DO is self explanatory. Accordingly, steps may be taken to ensure necessary action on the above said DO.


(T. K. Jajoria)
Sr. Dy. CGDA (AN)

Copy to:

1. All Admin section in Hqrs office
 2. AT-Legal in Hqrs office
 3. The O I/C
EDP (Local):
- } For similar action

for uploading on website.


(Girijesh Kumar)
Accounts Officer (LC)

Ministry of Defence (Finance)
DAD (Coord)

Subject: Instruction for implementing court orders regarding grant of retirement benefits-
reg.

A copy of Ministry of Defence, D(CMU) ID No.7508/2015/D(CMU) dated
01.01.2016 on the subject mentioned above is enclosed.

2. Office of CGDA is requested to take necessary action as per para 2 of the above
said ID.


07/01/2016

ACC-DAD(CAN)
AAD



(Rita Dogra)
DFA(DAD Coord)

Shri Sham Dev
Jt.CGDA (Admin)

MoD (Fin.) ID No.17 (2)/C/2016 dated 07.01.2016

श्री शम देव
ज. CGDA (Admin)
आदेश सं. क्र. 632
दिनांक 08/01/16

Government of India
Ministry of Defence
D(CMU)

Subject: Instruction for implementing court orders regarding grant of Retirement Benefits-reg.

Please find enclosed here with a copy of DO letter no 38/70/14-P&PW(A) dated 18.12.2015 received from Shri Sanjay Kumar Srivastava Secretary, Cabinet Secretariat for necessary action.

It is further requested that the letter may be circulated to all directorates under the administrative control of each wing for compliance of the instructions given therein.

Encl: As Above

(R. Pandiyan)
Deputy Secretary (PCC + MIS)
Tel.No.2303416

All Joints Secretaries in Ministry of Defence
MoD ID Dy. No. 7508/2015/D(CMU) dated 01.01.2016

57/e/116
6/11

AK

संजय कुमार श्रीवास्तव
सरकार के सचिव
Sanjay Kumar Srivastava
Secretary to Government of India



मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

D.O. No. 33/70/14-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)

Shri G. Mohan Kumar
Secretary,
Ministry of Defence
New Delhi

DS (OSM/CMU)

may like to look into this matter
with D (CMU)
29/12

25/08/14 CMU/foias p
21/11/15

29/12
DS (E)

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