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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

Dy. No. 54/16/DOS(C)
07/01/16

Office of Sr. Secy (AMSC)
Dy. No. 133
Date: 05-1-16

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A copy of the above reference alongwith its enclosure is forwarded herewith for information & further n.a. Pl. 07/01/16

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SGDE (Shri G. Visaya Bhaskar, DDO (C&C)
MOD. ID. No. 21(3) 2016-D(C&C) dt-11/1/2016.

श्री जय कुमार श्रीवास्तव
संस्कृत-सचिव
Sanjay Kumar Srivastava
Secretary to Government of India



संविधानसचिव कार्यालय
राष्ट्रपति भवन, नई दिल्ली-110011
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI-110011

D.O. No. 38/70/14-P&PW(A)

Dated: 13th 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.II/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
(Sanjay Kumar Srivastava)

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

DS (OMU/CMU)