

No. 2/14/2018- 1Pension (FD) (ii)
Government of Haryana
Finance Department
(Pension Branch)

Dated: **28th November, 2023.**

Office Memorandum

Subject:- Revision of pension/family pension in respect of Judicial Officers of Haryana Government who retire/die in harness on or after 01.01.2016 **with effect from 01.01.2016.**

Hon'ble Supreme Court of India, vide its Order dated 19.05.2023 in Writ Petition (C) No. 643 of 2015 titled as **All India Judges Association vs. Union of India and others** has issued directions to State Governments to implement the recommendations of the Second National Judicial Pay Commission (SNJPC) for revision of pension /family pension of Judicial Officers who retire/die in harness on or after 01.01.2016, with effect from **01.01.2016**

In compliance to the directions of Hon'ble Supreme Court of India, State Government of Haryana has decided to implement the recommendations of the Second National Judicial Pay Commission (SNJPC) for revision of pension /family pension of Judicial Officers of Haryana Government, who retire/die in harness on or after 01.01.2016 with effect from 01.01.2016 (these Orders do not apply to Judges of the Hon'ble High Court) as per detail below:-

1. The revised provision as per this OM shall apply to Judicial Officers, who retire/die in harness on or after the 01.01.2016.
2. The Pension/Family Pension or Death-Cum-Retirement gratuity/ Commutation of Pension, has already been sanctioned in cases occurring on or after 1st January, 2016, the same be revised as per provision of this OM.
3. In cases where pension has been finally sanctioned on pre revised emoluments and if the same happens to be more beneficial than the entitled pension under the provision of this OM, the pension already sanctioned shall not be revised to the disadvantage of the pensioner in view of proviso to Rule 78 of the Haryana Civil Services (Pension) Rules, 2016.
4. **Basic pay**
Basic pay in the revised pay structure means the pay drawn in the prescribed Level in the Pay Matrix with effect from the 1st January, 2016 but does not include any type of pay like Special Pay etc.

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5. **Emoluments for Pension / Family Pension**
The term "emoluments" for the purposes of calculating various pensionary benefits other than death-cum-retirement gratuity shall mean pay as defined in clause (b) of sub rule (7) of Rule 8 of Haryana Civil Services (Pension) Rules, 2016.
6. **Emoluments for Death-cum-Retirement Gratuity**
In the case of all kinds of gratuity, dearness allowance admissible on the date of retirement/death shall continue to be treated as emoluments along with the emolument as defined in terms of para 5 of this OM.
7. **Pension**
A Judicial Officer retiring in accordance with the Punjab Civil Services Rules Vol. II (now Haryana Civil Services (Pension) Rules, 2016) as amended from time to time before completing qualifying service of ten years shall not be entitled to pension but he shall continue to be entitled to service gratuity in terms of Rules 32 and 35 of the Haryana Civil Services (Pension) Rules, 2016.
8. **Provision for calculation of pension**
- i) A Judicial Officer, who retires after rendering the minimum qualifying service of 20 years, shall become entitled to full pension under the provisions of Rule 34 of Haryana Civil Services (Pension) Rules, 2016.
 - ii) In all such cases, where Judicial Officer becomes entitled to pension on superannuation after completion of 10 years of qualifying service in accordance with the Rule 34 of Haryana Civil Services (Pension) Rules, 2016, pension shall be calculated on proportion basis to the amount of full pension admissible to him.
9. **Minimum and maximum ceiling of Pension and Family Pension**
- i) The amount of Pension and Family Pension shall be subject to a minimum of Rs. 38920/- per month and Rs. 23350/- per month respectively and the maximum Rs. 1,12,050/- per month i.e. 50% and family pension Rs.67,230/- per month i.e. 30% of the highest pay of Rs. 2,24,100/- per month in the Government of Haryana with effect from 01.01.2016.
 - ii) The provisions of sub-para (i) shall not apply in those cases where the length of service of an Judicial Officer at the time of his retirement is less than 20 years. The pension of these Judicial Officer shall be calculated proportionately as per provisions specified in the Haryana Civil Services (Pension) Rules, 2016 keeping in view his/her length of service.

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10.

Additional pension/family pension

- (a) The quantum of pension/family pension available to the retired Judicial Officers shall be as follows:-

Sr. No.	Attaining age of pensioner /family pensioner	Additional quantum of pension/family pension
1	From 75 years to less than 80 years	20% of revised basic pension/ family pension
2	From 80 years to less than 85 years	30% of revised basic pension/ family pension
3	From 85 years to less than 90 years	40% of revised basic pension/ family pension
4	From 90 years to less than 95 years	60%of revised basic pension/ family pension
5	From 95 years to less than 100 years	80%of revised basic pension/ family pension
6	100 years or more	100 % of revised basic pension/ family pension

- (b) The Pension Disbursing Authorities shall ensure that the date of birth and the age of the pensioners/family pensioners is invariably indicated in PEN-I (issued by Principal Accountant General (A&E), Haryana) and the Pension Payment Order (PPO) to facilitate payment of additional pension/ family pension by them as soon as it becomes due. If the requisite information is not available in the PEN-1 (issued by Principal Accountant General (A&E), Haryana) in those cases the requisite information may be obtained from Principal Accountant General (A&E), Haryana before adding the additional pension / family pension in the existing basic pension / family pension. The amount of additional pension/ family pension shall be shown distinctly in the pension/family pension payment order.

Illustration:-

In case where a pensioner/family pensioner is more than 75 years of age and his/her consolidated pension/family pension in terms of Para 1 of this OM is, Rs.10,000/- per month, the pension/family pension shall be shown as (i) basic pension/ family pension Rs.10,000/- and (ii) additional pension/family pension Rs.2,000/- per month.

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- (c) The additional quantum of pension/family pension on attaining the age of 75 years and above would be admissible from the first day of the month in which his date of birth falls.

Illustration:-

If a pensioner/family pensioner shall complete age of 75 years on any date in the month of May, 2023, he will be entitled to additional pension/family pension with effect from 1st May, 2023.

- d) Dearness relief shall also be admissible on the additional quantum of pension/family pension available in accordance with the orders issued from time to time.

11. **Death-cum-Retirement Gratuity.**

- (1) The maximum limit of death-cum-retirement gratuity shall be Rs. 20.00 Lakh (Rs. Twenty Lakh). The ceiling on gratuity shall increase by 25% (twenty five percent) whenever the dearness allowance rises by 50% (fifty percent) of the basic pay.
- (2) The rate of death gratuity is revised as under:-

Length of qualifying service upto the date of death	Rate of death gratuity
Less than 1 year	2 times of emoluments
1 year or more but less than 5 years	6 times of emoluments.
5 year or more but less than 11 years	12 times of emoluments.
11 year or more but less than 20 years	20 times of monthly emoluments.
20 years or more	half month of emolument for every completed six monthly period of qualifying service subject to a maximum of 33 times of emolument.

12. **Family Pension Scheme, 1964.**

- (1) Family Pension shall be calculated at a uniform rate of 30% (thirty percent) of basic pay in the revised pay structure and shall be subject to a minimum of Rs.23350/- per month and maximum of Rs.67,230/- per month i.e.30% (thirty percent) of the highest pay of Rs.2,24,100/- in Government of Haryana with effect from 01.01.2016.

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- (2) The amount of enhanced family pension shall be 50% (fifty percent) of basic pay in the revised pay structure and shall be subject to a minimum of Rs.38920/- per month and maximum of 50% of the highest pay in the Government of Haryana.
- (3) Income limit of dependent family member (other than spouse) to get family pension should be less than Rs.30,000/- (Thirty Thousand only) per month.

13. **Entitlement of Family Pension.**

For the purpose of this OM, "family pension" means, the family pension as defined in sub-clause (b) of clause (10) of Rule 8 of the Haryana Civil Service (Pension) Rules, 2016.

14. **Commutation of Pension**

There shall be no change in the provisions relating to commutation values, the limit upto which the pension may be commuted or the period after which the commuted pension is to be restored.

15. **Admissibility of Dearness Relief**

The consolidated pension/family pension as worked out in accordance with the provisions of this OM shall be treated as "Basic Pension" or "Basic Family Pension", as the case may be, with effect from 1st January, 2016. The revised pension/family pension arrived includes dearness relief from the 1st January, 2016 and shall qualify for grant of dearness relief sanctioned thereafter.

16. **Payment of arrears of pension/family pension.**

The Pension Disbursing Authorities shall calculate the arrears of revised pension/family pension payable with effect from 01.01.2016 **after adjustment of interim relief already paid @ 30%** of the basic pension / family pension to the Judicial officers, who retire / die in harness on or after 01.01.2016 vide Finance Department UO No. 2/14/2018-1 Pension (FD) dated **12.06.2019** and the balance amount shall be paid immediately.

17. **Undertaking for recovery of over payment of Pension/Family Pension and Gratuity:-**

- (i) It is not unlikely that the arrears due in some cases may be calculated incorrectly leading to over payment that might have to be recovered subsequently even after the exercise. The Pension Disbursing Authorities shall, therefore, make it clear to the retired Judicial Officers while drawing arrears of pension that the payments are being made subject to adjustments from amounts that may be due to them, if any, discrepancy is noticed later. For this purpose, an undertaking shall be

obtained in writing from every retired Judicial Officers at the time of revision of pension/family pension to the effect that excess payment that may be found to have been made as a result of incorrect consolidation of pension/calculation of arrears shall be refunded by him / her to the Government either by adjustment against future payment or otherwise. A specimen form of undertaking is enclosed as **Annexure A**.

- (ii) The fixation of pension/family pension and adjustment of arrears shall also be subject to rectification and adjustments in certain cases where a particular pre-revised scale or provisional pension has been granted to a retired Judicial Officers at the strength of some interim orders of the Court of Law, after the final disposal of the case suitable appropriate decision may be taken by the Government keeping in view the observation/instructions of the Court of Law. The Pension Disbursing Authority should, therefore, also make it clear to all such concerned retired Judicial Officers while disbursing the arrears/ pension that payments are being made subject to appropriate decision taken by the Government on such final decision of the Court of Law. A specimen form of undertaking is also enclosed as **Annexure B**.

It is requested that the pension/family pension of Judicial officers, who retire / die in harness on or after 01.01.2016, may be revised with effect from 1st January, 2016 in accordance with the provision of this OM, immediately.

The above order can be downloaded from the website of Finance Department at **www.finhry.gov.in**. However, Necessary amendment in this regard in the relevant rules will be carried out in due course.

DA/as above

Manjit Leav

Joint Secretary Finance (Pension)

for Additional Chief Secretary to Government Haryana,
Finance Department

Endst No.: 2/14/2018- 1Pension(FD) (ii)

Dated: 28th November, 2023

A copy is forwarded to the following for information and necessary action to :-

1. The Chief Secretary to Government Haryana, Chandigarh w.r.t. their proposal and UO No. 28/44/2016-5SIII dated 17.07.2023, 14.08.2023, 08.09.2023 & 16.11.2023.
2. The Registrar General , Punjab & Haryana High Court, Chandigarh

DA/as above

Manjit Leav

Joint Secretary Finance (Pension)

for Additional Chief Secretary to Government Haryana,
Finance Department

To

1. The Chief Secretary to Government Haryana, Chandigarh.
2. The Registrar General, Punjab & Haryana High Court, Chandigarh

U.O. No. 2/14/2018- 1Pension (FD) (ii)

Dated: 28th November,2023

Endst No. 2/14/2018- 1Pension (FD) (ii)

Dated: 28th November,2023

A copy is forwarded to following for information and similar necessary action:-

1. Principal Accountant General (A&E/Audit) Haryana, Chandigarh alongwith 10 spare copies.
2. Director, Treasuries & Accounts, Haryana, 30 Bays Building, Sector 17, Chandigarh.
3. Joint Director, Pension Disbursement Cell, Sector 4, Panchkula.
4. All Treasury Officers/ Assistant Treasury Officers In Haryana State.
5. Treasury Officers Haryana, Delhi and Chandigarh.
6. In-charge, Computer Cell, Finance Department for placing the same on Finance Department's website i.e. www.finhry.gov.in.

Manjit Chauhan

Joint Secretary Finance (Pension)

for Additional Chief Secretary to Government Haryana,
Finance Department

ANNEXURE A
[See Para 17 (i) of OM]

UNDERTAKING

I hereby undertake that in case excess payment is found to have been made as a result of incorrect fixation of pension/family pension or any excess payment detected in the light of discrepancies noticed subsequently shall be refunded by me to the Government either by adjustment against future payments due to me or otherwise.

Date:
Place:

Signature _____
Name _____
Address _____

ANNEXURE B
[See Para 17 (ii) of OM]

UNDERTAKING

I hereby undertake that as a result of any rectification or adjustment in the pension granted to me on the basis of any interim order by any Court of law, any excess amount which is found to have been made as a result of relevant appropriate decision taken by the Government on the final decision of the Court of law, shall be refunded by me to the Government either by adjustment against future payments due to me or otherwise. I further undertake to abide by such relevant appropriate decision of the Government taken on the final decision of such Court of law as the case may be.

Date:
Place:

Signature _____
Name _____
Address _____

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