

(To be substituted with same number and date)

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

Dated: 28th November, 2023.

Office Memorandum

Subject:- Revision of Pension/Family Pension in respect of **pre-2016** retired Judicial Officers of Haryana Government and their eligible family members **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 pre-2016 retired Judicial Officers and their eligible family members, 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 pre-2016 retired Judicial Officers of Haryana Government and their eligible family members, with effect from **01.01.2016** (these Orders do not apply to retired Judges of the Hon'ble High Court) as per detail below:-

1. Consolidation of Pension/Family Pension

(A) The entitlement of Pension/Family Pension of existing pre-2016 retired Judicial Officers of Haryana Government and their eligible family members shall be determined as under:-

a) By multiplying the existing basic pension/family pension (as on 31.12.2015) by factor of **2.81**. The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee;

Illustration:-

Mr. 'X' Pensioner (District Judge) retired on 31.12.2013 at last pay drawn of Rs.67,210/- in the pay scale of Rs.57700-70290. The retired officer is drawing pension @ 50% of Rs.67210/- at Rs.33605/-.

As per provision of this OM the revised pension would be (Rs.33605 x 2.81) = Rs.94,430/- with effect from 01.01.2016 (using a multiplying factor of 2.81).

Or

b) By notionally fixing their pay corresponding to the pay in the pay scale / pay matrix at which they retired/died (under each intervening Judicial Pay Commission based on the formula for

revision of pay). Accordingly, the pension / family pension with effect from 01.01.2016 shall be worked out as per the Fitment Table of HCS (Judicial Branch) and the Haryana Superior Judicial Service Revised Pay Rules, 2023 issued vide Notification No. 5/17/1998-2PR(FD) dated 12.05.2023.

The revised pension/family pension shall be worked out as per formula No. (a) or (b) whichever is higher.

- (B) For this purpose, the existing pension / family pension shall be the basic pension / family pension only without the element of additional pension available to the old pensioners / family pensioners attaining the age of 75 years and above. The additional pension / family pension payable to the old pensioners / family pensioners will be worked out in accordance with the Para 4 of this OM.
- (C) The minimum pension shall be Rs.38920/- per month and minimum family pension shall be Rs. 23,350/- per month with effect from 1st January, 2016 (excluding the additional pension / family pension to the old pensioners). The maximum pension shall be 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.

2. Prorata of Pension

The entitlement of pension under this OM shall be worked in terms of Para 1 of this OM and shall further be reduced pro-rata as prescribed in the Haryana Civil Services (Pension) Rules, 2016 in all cases where the pensioner had less than the minimum service required for full pension. The requirement of minimum service shall be considered under the provisions of rules applicable at the time of retirement / death of the employee.

3. Deduction of Commuted Portion of Pension

As the entitlement of consolidated pension shall be inclusive of Commuted Portion of Pension, the Commuted Portion, wherever applicable, shall be deducted from the said amount of pension while making monthly disbursement.

4. Additional Pension/Family Pension

- (a) The quantum of pension/family pension available to the retired Judicial Officers of Haryana Government and their eligible family members shall be as follows:-

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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.

- (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/her 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.

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- 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.

5. Authorization to the Pension Disbursing Authorities

- (i) Multiplying the existing basic pension/family pension by factor of 2.81 **(Para 1 A (a) of this OM).**

All Pension Disbursing Authorities handling disbursement of pension to the Haryana Government pensioners/family pensioners are hereby authorized to pay pension/family pension to the existing retired Judicial Officers of Haryana Government and their eligible family members at the consolidated rates **in terms of Para 1 A (a) of this OM** above without any further authorization from the Principal Accountant General (A&E) Haryana/ Head of Office etc, However, before disbursement of the pension, the Pension Disbursing Authority shall authenticate that the fixation made is strictly in accordance with the provision of this OM.

- (ii) By notionally fixing their pay corresponding to the pay in the pay scale / pay matrix at which they retired/died **(Para 1 A (b) of this OM).**

It shall be responsibility of the Head of the Department attached to that office from where the Judicial Officer had retired or was working last before his death to revise the pension / family pension of pre 01.01.2016 retired Judicial Officers of Haryana Government and their eligible family members, with effect from 01.01.2016 in accordance with **Para 1 A (b) of this OM** and to issue a **revised pension payment authority**. The Pension Sanctioning Authority (PSA) would impress upon the concerned Head of Office for fixation of pay on notional basis at the earliest and issue revised authority at the earliest. The revised authority will be issued under the existing PPO number and would travel to the Pension Disbursing Authority through the same channel through which the original PPO had travelled.

- (iii) A suitable entry regarding the revised consolidated pension shall be recorded by the Pension Disbursing Authorities in both halves of the Pension Payment Order.
- (iv) An intimation regarding disbursement of revised pension may be sent by the Pension Disbursing Authority to the Principal Accountant General (A&E) Haryana and concerned Treasury Officer /Assistant Treasury Officer of Haryana

6. 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 pre-2016 retired Judicial Officers of Haryana Government and their eligible family members, vide Finance **Department UO No. 2/14/2018-1 Pension (FD) dated 02.01.2019** and the balance amount shall be paid immediately.

7. Entitlement 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.

8. Undertaking for recovery of over payment of Pension / Family Pension

- (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. The Pension Disbursing Authorities shall, therefore, make it clear to the retired Judicial Officers of Haryana Government and their eligible family members while drawing arrears 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 also be obtained in writing from every retired Judicial Officers of Haryana Government and their eligible family members 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/family pension, the said amount will 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 pension or provisional pension had been granted to a retired Judicial Officers of Haryana Government and their eligible family members, 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 shall, therefore, also make it clear to all such retired Judicial Officers of Haryana Government and their eligible family members, while disbursing the arrears of pension/family 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 enclosed as **Annexure B**.

It is requested that the pension/family pension of pre-2016 retired Judicial Officers of Haryana Government and their eligible family members, 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 amendments in this regard in the relevant rules will be carried out in due course.

DA/as above

Manjit Leal
Joint Secretary Finance (Pension)

for Additional Chief Secretary to Government Haryana,
Finance Department

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

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 Leal
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

UO No.2/14/2018- 1Pension(FD) (i)

Dated: 28th November, 2023

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

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 to coordinate with the Banks for release of pension / family pension of pre-2016 retired Judicial Officers of Haryana Government and their eligible family members as per Para IA(a) of this OM immediately.

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.

Mangjit Gaur
Joint Secretary Finance (Pension)
for Additional Chief Secretary to Government Haryana,
Finance Department

6/11/2023

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

Dated 28th November, 2023

A copy is forwarded to following Banks for information and similar necessary action in relation to revision of pension / family pension of pre-2016 retired Judicial Officers of Haryana Government and their eligible family members, as per Para IA(a) of this OM immediately :-

1. General Manager, State Bank of India, CPPC, Sector 5, Panchkula.
2. General Manager, Punjab National Bank, CPPC, Sector 5, Panchkula.
3. Chief Manager, Central Bank of India, Zonal Office, SCO-58-59, Bank Square Sector-I7, Chandigarh.
4. The Assistant General Manager, Bank of India SCO 76-82, Zonal Office, Sector 31A, Chandigarh.
5. The Chief Manager, Canara Bank, Sector-34, Chandigarh.
6. The Chief Manager, Union Bank of India, Bank Square Sector-I7, Chandigarh.

Mangjit Gaur
Joint Secretary Finance (Pension)
for Additional Chief Secretary to Government Haryana,
Finance Department

6/11/2023

ANNEXURE A
[See Para 8 (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 8 (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 _____
