

**Directorate of Elementary Education Haryana, Shiksha Sadan, Sector-5,
Panchkula**

Order No 03/12-2020 PP(1)

Dated, Panchkula the 07-9-20

By way of filing a Civil Writ Petition i.e. No. 32583 of 2019 – Ranbir Singh and ors. Vs State of Haryana & others, the petitioners have prayed to Hon'ble High Court to issue a writ in nature of Certiorari for quashing the Impugned notification dated 4th March 2003, annexure P-4, which prescribes that "A Government employee, on retirement, shall be entitled to commute for a lump-sum payment a fraction not exceeding 40% of his pension and the fraction of pension so commuted on superannuation shall, however, be restored to him on completion of 15 years from actual receipt of commutation value, which ever is later.." being arbitrary, illegal, unconstitutional and not binding on the rights of the petitioners and further a writ in madamus, or appropriate order or directions directing the respondents to a) stop further recovery towards commutation of pension from the petitioners b) Release the amount excess recovered from the petitioners on account of commuted part of the pension with interest at 18% P.A. after their completion of seventy year of age and in the alternative, a writ in the nature mandamus directing the respondents to consider and take a final decision on the petitioners legal notice dated 15.05.2019, annexure P-5, by passing speaking and well reasoned order with in some short stipulated period and the decision so taken may kindly be ordered to be convey to the petitioners.

The writ petition came up for hearing before Hon'ble High Court on 08.11.2019 and the Hon'ble Court was pleased to dispose off the writ petition with direction to respondents as under:

"The petitioners have already served legal notice dated 15.05.2019 (Annexure P-5) to respondents no. 1,2,3 and 8.

The aforesaid respondents are directed to take decision on the legal notice dated 15.05.2019 served upon them by learned counsel for the petitioners in accordance with law with in a period of 4 weeks of the receipt of certified copy of this order. Copy of this petition along

with today's order is brought to the notice of the authorities by the petitioners.

With these directions, the petition stands disposed off"

In compliance of the order passed by the Hon'ble High Court the legal notice of the claimants was examined by the answering respondent and after examining the legal notice in the light of government instructions it was found that the quashing of the notification dated 04.03.2003 and clarification dated 20.02.2004 is a policy matter which is issued by Finance Department, Government of Haryana vide notification no. 1/2/8/98-2FR-II dated 04.03.2003. The operative part of notification is as under:-

"(1) These rules may be called the Punjab Civil Services Rules, Volume-II (Haryana First Amendment) Rules, 2003. (2) They shall come into force with effect from 1st January, 1996., for the Government employees retiring on or after 1st January, 1996. 2. In the Punjab Civil Services Rules Volume-II in rule 11.1 (1) for the sub-rule (1) the following sub-rule shall be substituted, namely:- (i) A Government employee, on retirement, shall be entitled to commute for a lump-sum payment a fraction not exceeding 40% (forty percent) of his pension. The fraction of Pension so commuted on superannuation shall, however, be restored to him on completion of 15 years from the date of retirement or 15 years from actual receipt of commutation value, whichever is later."

Therefore, the claim of the claimants was rejected by the answering respondent because the notification dated 04.03.2003 and clarification dated 20.02.2004 was a policy matter which was issued by the Finance Department, Government of Haryana and necessary action regarding the restoration of commuted portion of pension is to be done by concerned Treasury officer. No action in this regard is to be taken by this department(answering respondent).

Further, it is pertinent to mention here that the answering respondent cannot go against the policies/ instructions issued by the Finance Department, Government of Haryana.

Hence, the relief claimed by the claimants are found untenable under statutory provisions, accordingly, the claim of the claimants is declined and

rejected. No other action is required to be taken by the office of the answering respondent at present in the instant case.

Order accordingly

9/7/21
Anshaj Singh
Director Elementary Education
Haryana, Panchkula

Endst. No.: 03/12-2020 PP(1)

Dated Panchkula, the *09-9-2021*

A copy of this order is forwarded to following for information and further necessary action thereon:-

1. The District Elementary Education Officer, Rohtak, Bhiwani, Gurugram with further direction to ensure the receipt of this speaking order to petitioners concerned and submit the same to this Directorate thereafter positively.
2. Principal Accountant General (A&E) Haryana, Sector-33 B, Chandigarh.
3. Sh. Ranbir Singh S/o Sher Singh, Resident of Kamal Colony, Rohtak.
- ✓ 4. IT Cell

Nee lam 8/9/21
Superintendent Pension
Directorate of Elementary Education
Haryana, Panchkula

**OFFICE OF DIRECTOR ELEMENTARY EDUCATION, HARYANA,
PANCHKULA**

Order No. 11/19-2021 TGT R&A (4)

Dated, Panchkula 09.09.2021

The Resignation of Smt. Sharmila Ahrodia (5019530), TGT (Physical Education), GSSS Gokalgarh (Rewari) tendered by her notice dated 01.09.2021 is hereby accepted w.e.f. 01.09.2021 F.N.

**Anshaj Singh, IAS
Director Elementary Education,
Haryana, Panchkula**

Endst. No. Even

Dated, Panchkula 10.09.2021

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

1. Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer Rewari w.r.t. his memo No. E-2/21/617 dated 01.09.2021.
3. Principal, GSSS Gokalgarh (Rewari)
- ✓ 4. Smt. Sharmila Ahrodia (5019530), TGT (Physical Education), GSSS Gokalgarh (Rewari)
- ✓ 5. IT Cell, Head Quarter.

Darshan K 10/9/21
**Superintendent TGT R&A
For Director Elementary Education
Haryana, Panchkula**