

Government of India  
Ministry of Health & Family Welfare  
(Coordination-I Section)

525-C, Nirman Bhavan,  
New Delhi Dated: 18-12-2012

21

**OFFICE MEMORANDUM**

Sub: General Circulars- regarding.

The Undersigned is directed to circulate herewith a copy each of the following general circulars/information received from various Ministries/Departments for Information and necessary action:

S. No	Name Of The Ministry/Department	Ref. No& Date.	Regarding.
1.	Department Of Personnel & Training	No.12/4/97-Dir(c) (Vol.II) Dated:26-11-2012	Implementation of the Order dated 30.4.12-Passed by the Hon'ble Delhi High Court in W.P. (Civil) No. 5695/2000- Pensionary benefit to the employees of Non-Statutory Departmental Canteens- Regarding.
2.	-do-	No.6/5/2012-Estt. (Pay-II) Dated:30-11-2012	Provisions relating to proforma promotion.
3.	-do-	No.425/01/2012- AVD/IV(V) Dated.30-11-2012	Strengthening of Vigilance set-up in ministries/Departments-reg.
5.	Department of Legal Affairs.	No.34(01)/2012- Judl Dated:05-12-2012	Engagement of Counsel on behalf of Union of India-Regarding

  
(Ved parkash)

Under Secretary to the Govt of India

To

1. Dte. GHS (O&M) Section with a request that the instruction may be brought to the notice of all Subordinate officers/Section/Officers etc. under the direct control of Dte. GHS.
2. All subordinate Offices/ Attached Offices / Public Sector Undertakings/ Autonomous Bodies under the Ministry of Health & Family Welfare.
3. PAO, Ministry of Health & Family Welfare.
4. All Offices/Desks/ Section/Cell in the Ministry Of Health & Family Welfare.
5. Technical Director, NIC, Nirman Bhavan, New Delhi.

08 JAN 2013

No. 12/4/97-Dir (C) (Vol.II)

Government of India

Ministry of Personnel & Public Grievances & Pensions

Department of Personnel & Training

3<sup>rd</sup> Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi.  
dated the 26/11/2012.

OFFICE MEMORANDUM

Subject: Implementation of the Order dated 30.4.12 passed by the Hon'ble Delhi High Court in W.P. (Civil) No. 5695/2000 - Pensionary benefits to the employees of Non-Statutory Departmental Canteens - Regarding

The undersigned is directed to refer to this Department's Office Memoranda Nos. 12/3/92-Dir (C), dated 16.11.92 and 16.12.93 (copies enclosed) which provided for Pensionary and GPF benefits admissible to the Non-Statutory Departmental Canteen employees. These provisions had been appealed against by a section of canteen employees. The Hon'ble CAT, Principal Bench, New Delhi in two such petitions bearing Nos. 572/96 and 2136/98 have ordered on 3.12.99 and 13.1.2000 respectively as under:-

- i) "..... The respondents are, therefore, directed to grant the benefits of the entire past service prior to the Applicants having been declared as Government Servants for counting towards pensionary benefits"
- ii) "..... Respondents are directed to take a decision in terms of the decision given by the Tribunal in O.A. No. 572/96 i.e. to take into account the entire past service of the applicants for purpose of counting towards pensionary benefits".

2. However, Government decided to file an appeal against the said orders of the CAT before Hon'ble Delhi High Court. Accordingly, an appeal was filed vide W.P. No. 5695/2000 against orders of the CAT. Pending disposal of W.P. No. 5695/2000 in the Delhi High Court, it was decided to implement the CAT's Order dated 3.12.99 vide OM No. 12/9/2000-Dir (C), dated 8.11.2000. Now, W.P. (C) No. 5695/2000 has been dismissed by the Hon'ble Delhi High Court vide their order dated 30.04.2012 for devoid of merits.

3. The matter has been accordingly considered by the Government and it has been decided that the entire past service rendered on regular basis by the non-statutory  
contd..2/-

retired employees will be reckoned as 'Qualifying Service' for the purpose of declaration of pension in accordance with the relevant provisions contained in CCS (Pension) Rules, 1972 and related orders. This administrability will be subject to the refund of the entire amount received as employer's contribution to the FPF, if any, including interest received by them alongwith interest at the rate applicable to GPF accumulation from time to time as prescribed in Department of Pension and Pensioners' Welfare, OM No. 38.34.001 P&PW (I), dated 19.1.00 (copy enclosed). The interest will be calculated for the period from the date of receipt of employers' share of FPF contribution by the employee to the date of refund to the Government.

4. In view of the above, the provisions contained in this Department's Office Memoranda bearing No. 1/74/92 Dn (C), dated 16/11/93, 16/11/93 and 8/11/2000 shall stand modified to the extent of the provisions specified herein above.

The Ministries/Departments are requested to issue instructions to their attached/subordinate offices to take immediate necessary action to settle the cases of the employees afresh who retired/died in harness on or after 1/10/91.

6. This issues with the approval of Ministry of Finance, Department of Expenditure, F.O. No. 1(17)/I-V/2000, dated 7/11/2012 and Ministry of Home Affairs, Home (Finance) Div. No. CT 147351/A1A (F-1), dated 8/11/2012.

Hindi version of this OM will follow.

P. Tyagi  
(Pratima Tyagi)  
Director (Canteen)  
Tele. No. 246247

Copy for information and necessary action to:

1. All Ministries/Departments to the Govt. of India (as per standard list).
2. Ministry of Finance, Department of Expenditure, North Block, New Delhi.
3. Ministry of Home Affairs, Home (Finance) Division, North Block, New Delhi.
4. The Comptroller & Auditor General of India, Bhadur Shah Zafar Marg, New Delhi.
5. Controller General of Defence Accounts, West Block V, R.K. Puram, New Delhi.
6. All Controller of Accounts in the Ministries/Departments, New Delhi.
7. The Supreme Court of India, New Delhi.
8. The Registrar, Delhi High Court, New Delhi.
9. The Director, Department of Pension & Pensioners' Welfare, 3rd Floor, Lok Nayak Bhavan, Khan Market, New Delhi.
10. NIC, DOP&T, Lok Nayak Bhavan is requested to upload this on the website of this Ministry under link Welfare > Canteen > General/recent circulars in sub head Pension, Gratuity and GPF.
11. Hindi version of this OM will follow.



IMMEDIATE

No. 12/3/92-Dir(C)  
 Government of India  
 Ministry of Personnel, P.G. & Pensions  
 (Deptt. of Personnel & Training)

-a-

New Delhi, the 16 November, 1992

OFFICE MEMORANDUM

SUB: Implementation of Supreme Court Judgement in case of employees of non-statutory departmental/cooperative canteens/tiffin rooms located in Central Government offices - extension of pensionary and GPF benefits - Matters regarding

-a-

The undersigned is directed to refer to O.M. No. 12/5/91-Dir(C) dated 29th January, 1992 regarding implementation of Supreme Court judgement in case of the employees of non-statutory departmental/cooperative canteen/tiffin rooms located in Central Govt. offices where which the employees of the above canteens/tiffin rooms registered with Director (Canteens) were treated as Government servants w.e.f. 1.10.91 and extended all the benefits as are available to other Central Government employees of comparable status. As envisaged in the judgement delivered on 11.10.91 by the Hon'ble Supreme Court of India in WP No. 6189-7044 and 8246-55 of 1983 - D.K. Jha and others Vs. Union of India and others. It was inter-alia stated vide the above quoted OM that a sep. rate communication will follow with regard to GPF, Pension, Central Govt. Employees Group Insurance Scheme etc. Accordingly the instructions on Central Govt. Employees Group Insurance Scheme has been issued vide this Department OM No. 12/2/92 Dir(C) dated 28.5.92.

2. In the judgement the Hon'ble Supreme Court ordered "FOR THE PURPOSE OF CALCULATION OF PENSION SERVICE FROM THE DATE OF INTER-LOCUTORY ORDER SHALL BE COUNTED....." The Hon'ble Court has passed interlocutory order in the case on 26.9.83. Accordingly the question of regulating retirement benefits pension and provident fund of the canteen employees has been under examination of the Govt. The President is now pleased to decide that these may be regulated in the manner hereinafter prescribed:-

(A) PENSIONARY BENEFITS:

- (i) Those appointed on or after 1.10.91 will be compulsorily governed by the provisions contained in the CCS (Pension) Rules, 1972, CCS (Commutation of Pension) Rules 1991 and the CCS (Extra-ordinary Pension) Rules.
- (ii) Those appointed prior to 1.10.91 and were still in service on that date will have an option-
  - (a) either to elect pension scheme under clause (i), or
  - (b) be governed by the Contributory provident Fund Scheme. The option will have to be exercised within six months from the date of the issue of these orders in the form at annexure to these orders. The option once exercised will be final. Those who do not exercise any option

where the stipulated period will be deemed to have expired at the end of the pension scheme.

- (iii) Those who opt for pension scheme will be entitled to the benefits of family pension and gratuity admissible under the CCS (Pension) Rules, 1972.
- (iv) Those who opt for CPF Scheme shall also be entitled to the benefits of gratuity/adm. gratuity admissible under the CCS (Pension) Rules, 1972. They will not, however, be entitled for family pension benefits thereunder.
- (v) In the case of persons who have retired between 26.9.83 and 1.10.91, since they would have rendered less than 10 years qualifying service reckoned from 26.9.83, and will not be eligible for monthly pension therefor, their settlement of retirement benefits already done under the Departmental Control Employees (Recruitment and Conditions of Service) Rules, 1980 promulgated vide LSR No. 54, dated 23.12.80 will not be disturbed. Similarly in the case of those who have retired between 1.10.91 and the date of issue of these orders since they would also have rendered less than 10 years qualifying service reckoned from 26.9.83, and will not be eligible for monthly pension, their settlement of retirement benefits already done under the Departmental Control Employees (Recruitment and Conditions of Service) Rules, 1980 will also not be disturbed.
- (vi) The families of the employees who died while in service between 1.10.91 and the date of issue of these orders and who are eligible or have been allowed family pensions benefits under the EPF and Miscellaneous Provisions Act, 1952 will have an option either to continue to draw family pension under the said Act or to receive family pension admissible under the CCS (Pension) Rules, 1972. In the latter case, the family will have to refund the employer's contribution of EPF including interest thereon received by them alongwith simple interest at 6% per annum from the date of drawal to the date of refund. The option will be exercised within six months of the date of issue of these orders. The option once exercised will be final. If no option is exercised within the stipulated period, the families will be deemed to have retained the benefits under the EPF and Misc. Provisions Act, 1952. The employees who were not subscribing to EPF their families will be eligible for the benefit of family pension under CCS (Pension) Rules, 1972.

(B) PROVIDENT FUND:

- (i) The employees appointed on or after 1.10.91 will be compulsorily governed by the General Provident Fund (Central Services) Rules, 1960.
- (ii) In the case of employees recruited prior to 1.10.91 and were still in service on that date and are subscribing to Employees Provident Fund and opt for pension in terms




of these orders, shall be regulated as follows:-

- (a) The amount standing the EPF account as on 30.9.83 representing the employer's contribution and the employees contribution, shall remain in the EPF account being operated by the Chief Provident Fund Commissioner and paid to the employees as and when they retire from Government service.
- (b) As far as contributions made beyond 30.9.83 are concerned, the entire balance lying to their credit in the EPF account shall be transferred to the Government who in turn will credit the employee's contribution with interest thereon to their respective CPF account and the employer's contribution with interest accrued thereon shall be resumed by the Government.
- (iii) In the case of those who were subscribing to EPF and to not opt for pension scheme in terms of these orders, they will be eligible for contributory Provident Fund benefits under the CPF Rules (India), 1960. For this purpose their CPF accounts will be opened by the respective departments. The entire balance lying to their credit in EPF - both employees and employers contribution with interest accrued thereon shall be transferred to their CPF account to be opened in favour of each employee. This can be done from a prospective date as and when their respective CPF accounts are opened.
- (iv) In the case of those who are not subscribing to Employees Provident Fund, (a) those who opt for pension will be entitled to CPF benefits with effect from 1.10.1991 and (b) those who do not opt for pension scheme will be entitled to CPF benefits under the Contributory Provident Fund Rules (India), 1960.

All the Ministries/Departments are requested to issue instructions to their attached/subordinate offices and the Chairman/Secretaries of the Managing Committee of the aforesaid Departmental Canteen etc. to take immediate necessary action and settle the EPF accounts of the above employees as indicated in the foregoing paragraphs, after obtaining the necessary option from the canteen employees etc. as indicated in this O.M.

This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O.No.1(16)/EV/92 of 9.11.1992 and Home Finance Division Dy. No. 2123/92-Fin.I dated 11.11.92 and in consultation with Ministry of Labour vide their Dy. No. 11025/14/92-SS.II dated 23.4.1992 and Department of Pension vide Dy. No. 2182/JS(CS)/92 of 12.8.1992.

Hindi version will follow.

  
( R. C. RICHHARIYA )  
DIRECTOR (CANTEENS)  
Tele: 4625818.

1. All Ministries/Departments to the Govt. of India (as per attached list).
2. All Chairman of Managing Committee of Centenary/Bicentenary Rooms (as per list attached).
3. Ministry of Finance, Department of Comptroller,
4. Ministry of Home Affairs, Home Finance Division,
5. CIDA, R.K. Puram, New Delhi.
6. CG, P.T., New Delhi.
7. All Controllers of Accounts in Ministries/Departments.
8. Ministry of Economic Affairs, Budgetary Division,
9. CAG, New Delhi.
10. Ministry of Labour for information and necessary action w.r.t. their Dy. No. 14025/14/92-SB.II dated 24.4.92.
11. Chief Provident Fund Commissioner, New Delhi with a request to issue immediate instructions to all the Regional Provident Fund Commissioners to implement the above orders.
12. Registrar (Judicial), Supreme Court of India with r.f. to his No. 1999 & 1988/83/Soc of 2.9.1992.
13. Department of Pensions & Pensioner's Welfare (Shri Swarn Das, Dy. Secy.).
14. S.O. (Canteens) with 300 spare copies.



P R O F O R M A

1. Name of the Ministry/Department/  
Office (with full address).

2. Name of the employee.

3. Designation and Scale of Pay.

4. Canteen to which attached.

\* I do hereby opt for the pensionary benefits;

(OR)

\* I do not opt for the Pensionary benefits.

I am fully aware that the option once exercised will be final.

Signature \_\_\_\_\_

Name and Designation of the Employer.

Dated: \_\_\_\_\_

Witnesses

1. Signature & Designation.

2. Signature & Designation.

Counter-signed by immediate superior.

\* Inapplicable clause to be scored out.



MOST IMMEDIATE

No.12/3/92-Dir(C)  
 Government of India  
 Ministry of Personnel, P. G. & Pensions  
 (Deptt. of Personnel & Training)

New Delhi, the 6th December, 1993.

OFFICE MEMORANDUM

Subject:- Implementation of Supreme Court judgement in the case of employees of Non-statutory Departmental/Co-operative canteens/tiffin rooms located in Central Government Offices - extension of pensionary and GPF benefits - matter regarding.

In continuation of this Department's OM of even number dated 16th November, 1992 on the above subject, the undersigned is directed to say that consequent upon judgement of Hon'ble Supreme Court of India dated 11.10.91, the employees of non-statutory canteens/tiffin rooms registered with Director(Canteens) and located in Central Government Offices were extended the pensionary and GPF benefits. Now the Hon'ble Supreme Court has clarified their earlier judgement dated 11.10.91 with regard to the counting of service for pensionary benefits to the above employees as under:-

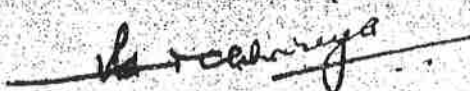
"..... The pension will be given to all those who have retired after 1.10.91. However, for the purpose of calculating the pension their service on and from 26.9.83 will be taken into consideration. In case of those whose service falls short of the qualifying period, the service rendered by them prior to 26.9.83 will be taken into consideration to the extent of the shortfall ....."

2. In view of above clarification issued by Hon'ble Supreme Court of India, the President is pleased to decide that in the case of canteen employees retired between 1.10.91 to 25.9.93, the service rendered prior to 26.9.83 will be taken into account as qualifying service to the extent that their actual qualifying service falls short of the minimum service required for grant of superannuation pension in terms of Rule 49(2) (b) read with Rule 49(3) of the CCS(Pension) Rules 1972. This will, however, be subject to the refund of employer's share of contribution to the EPF for the period of service taken into account for pensionary benefits, including interest received by them, alongwith simple interest at the rate of 6 percent per annum from the date of receipt/withdrawal to the date of refund.

3. Such of the employees who retired between 1.10.91 and 23.9.93 may, therefore, be given an option as per proforma enclosed, if they want to opt for the pension scheme as specified above, the option form may be sent to them on their addresses by Registered post, clearly indicating the details of amount which is required to be refunded. The option will have to be exercised within six months from the date of issue of these orders in the form at annexure to this order. The option once exercised will be final. In case no option is received within the prescribed time limit, it would be deemed that the employee is not interested in opting for pension scheme and the case be closed.

4. The Ministries/Departments are requested to issue instructions to their attached/subordinate offices and the Chairmen/Secretaries of the Managing Committees of the aforesaid canteens/tiffin rooms to take immediate necessary action to settle the cases of the employees as indicated in the above paragraphs after obtaining necessary option from them.

5. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O.No.1(16)/B.V/92 dated 23.11.93 and Ministry of Home(Finance) U.O.No.2486/93/Hn.1 dated 24.11.93 and Department of Pension & Pensioners Welfare No.7/1/93 dated 22.10.93.

  
(R.C. RICHHARIYA)  
DIRECTOR (CANTEENS)  
Ph. 4625818

To

1. All Ministries/Departments to the Govt. of India (as per standard list).
2. All Chairman of Managing Committee of Canteens/Tiffin Rooms (as per list attached).
3. Ministry of Finance, Department of Expenditure.
4. Ministry of Home Affairs, Home Finance Division.
5. CGDA, R.K.Puram, New Delhi.
6. DG, P & T, New Delhi.
7. All Controllers of Accounts in Ministries/Departments.
8. Ministry of Economic Affairs, Budgetary Division.
9. CAG, New Delhi.
10. Registrar (Judicial), Supreme Court of India with ref. to his No.1999 & 1988/83/Sec.X of 23.8.93.
11. Department of Pension & Pensioners Welfare



P R O F O R M A

1. Name of the Ministry/Department/  
Office (with full address).
2. Name of the retired employee.
3. Designation
4. Scale of pay and last pay drawn.
5. Canteen where he was working
6. \* I do thereby opt for the pensionary benefits.  
(OR)  
\* I do not opt for the Pensionary benefits.

I am fully aware that the option once exercised will be final.

Signature \_\_\_\_\_

Dated: \_\_\_\_\_

Name and Designation of the Employees  
With Present Address

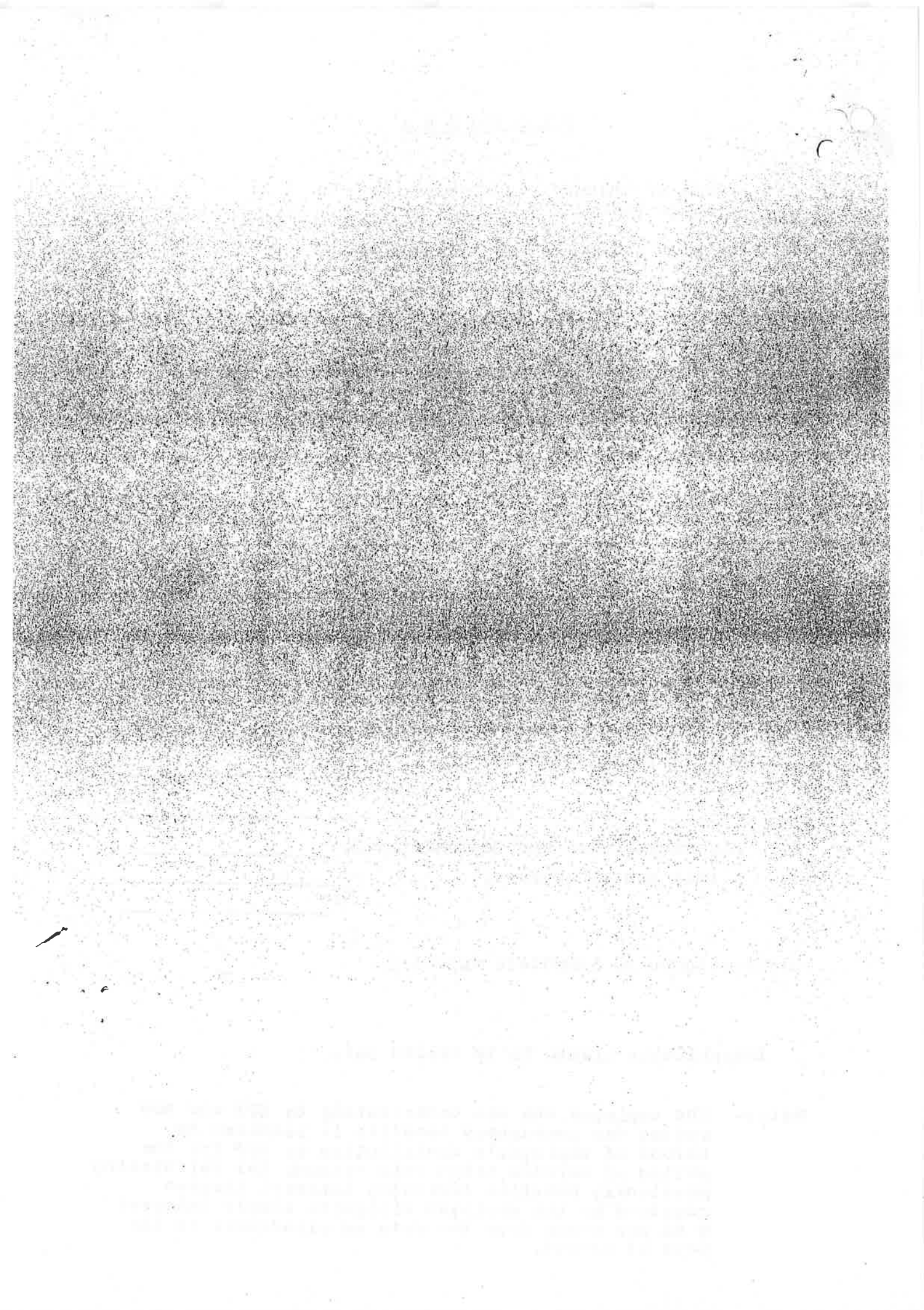
Witnesses:

1. Signature, name and Designation 1. \_\_\_\_\_  
& full postal address. \_\_\_\_\_  
\_\_\_\_\_
2. Signature, name and Designation 2. \_\_\_\_\_  
& full postal address. \_\_\_\_\_  
\_\_\_\_\_

Countersigned by immediate superior. \_\_\_\_\_

Inapplicable clause to be scored out.

Note:- The employee who was contributing to EPF and now opting for pensionary benefits is required to refund of Employer's Contribution to EPF for the period of service taken into account for calculating pensionary benefits including interest thereon received by the employee alongwith simple interest @ 6% per annum from the date of withdrawal to the date of refund.





(10)

No.38/34/2001-P&amp;PW(F)

GOVERNMENT OF INDIA  
 MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
 DEPARTMENT OF PENSION AND PENSIONERS WELFARE  
 NEW DELHI

OFFICE MEMORANDUM

Dated 29.04.2002

Subject: Rate of interest payable on delayed payment of DCRG and rate of interest chargeable on refund of pensionary benefits already drawn in connection with counting of past service under CCS (Pension) Rules, 1972 and Department of Pension & Pensioners' Welfare OM No. 28/10/84-PU dated 29.8.1984 as amended from time to time - reg.

In supersession of this Department's OM No. 7/1/93-P&PW(F) dated 25.8.1994 and 31.10.1995, on the above subject, the undersigned is directed to say that the President is now pleased to decide that where the payment of DCRG has been delayed beyond three months from the date of retirement, an interest at the rate applicable to GPF deposits determined from time to time by the Government of India will be paid to retired/dependants of deceased Government Servants.

2. The administrative Ministries/Departments are requested to comply with the instructions contained in para 2(d) and (e) of this Department's OM No. 38/64/98-P&PW(F) dated 5.10.1999 in the matter of payment of interest on delayed payment of DCRG, fixing of responsibility and recover the amount from the concerned Dealing Official, Supervisor and Head of Office in proportion of their salary.

3. The President is also pleased to decide that wherever the employees are required to refund the pensionary benefits received by them for the service already rendered by them under the Central or State Government or Autonomous Bodies or in Armed Forces (Military Service), in order to avail of the benefit of counting of past services for pension purposes in terms of the provisions of Rules 17 to 20 of CCS (Pension) Rules, 1972 and Department of P&PW's OM No. 28/10/84-PU dated the 29<sup>th</sup> August, 1984 as amended from time to time, the rate of interest will be at the rate applicable to GPF deposits determined from time to time by the Government of India, for the period from the date of receipt of pensionary benefits to date of their refund to the Government/Autonomous Body.

4. In the case of Military pensioners re-employed in civil service, the interest will be recovered for the period from the date of joining civil service till the date of refund of pensionary benefits to Government/Autonomous Body.

5. However, interest calculation in case of refund of pensionary benefits would be as per the method indicated in Annexure-A.

Contd...2/-

It is requested that the Government of India may be pleased to consider the proposal for the appointment of a person to the post of Director General of the Indian Audit and Accounts Department, who shall be responsible for the management of the Department and shall be entitled to the same facilities as are enjoyed by the Director General of the Indian Audit and Accounts Department, who shall be entitled to the same facilities as are enjoyed by the Director General of the Indian Audit and Accounts Department.

All the Ministers of the Government are requested to be pleased to consider the proposal for the appointment of a person to the post of Director General of the Indian Audit and Accounts Department, who shall be responsible for the management of the Department and shall be entitled to the same facilities as are enjoyed by the Director General of the Indian Audit and Accounts Department, who shall be entitled to the same facilities as are enjoyed by the Director General of the Indian Audit and Accounts Department.

In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders shall be after consultation with the Comptroller and Auditor General of India.

(Sd/-)  
(Sd/-)  
Director General

To  
All Ministries/Departments of Government of India  
(With usual number of spare copies)



MOST IMMEDIATE

No. 12/9/2000-Dir.(C)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training

Dated the 8th November, 2000

OFFICE MEMORANDUM

Subject: Implementation of the Orders dated 3.12.1999 and 13.1.2000 passed by Hon'ble CAT Principal Bench, New Delhi in OA Nos. 572/96 and 2136/98 - Extension of pensionary benefits to the employees of Non-Statutory Departmental Canteens - Regarding.

The undersigned is directed to refer to this Department's Office Memoranda No. 12/3/1992 - Dir(C) dated 16.11.92 and 15.12.1993 which provided for Pensionary and GPF benefits admissible to the non-statutory Departmental Canteen employees. These provisions had been appealed against by a section of Canteen employees. The Hon'ble CAT Principal Bench, New Delhi in two such petitions bearing Nos 572/96 and 2136/98 have ordered on 3.12.99 and 13.1.2000 respectively as under:-

- (i) "..... The respondents are, therefore, directed to grant the benefits of the entire past service prior to the Applicants having been declared as Government servants for counting towards pensionary benefits"
- (ii) "..... Respondents are directed to take a decision in terms of the decision given by the Tribunal in O.A No. 572/96 i.e. to take into account the entire past service of the applicants for purpose of counting towards pensionary benefits".

2. However, Government decided to file an appeal against the said orders of the CAT before Hon'ble Delhi High Court. Accordingly, an appeal has been filed vide W.P. No. 5695/2000 against orders of the CAT which is pending disposal before the Delhi High Court.

3. Pending disposal of the case by the Delhi High Court, it has been decided to implement the directions of the CAT as under:-

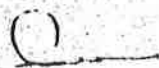
The entire past service rendered on regular basis by the non-statutory Departmental Canteen employees will be reckoned as "Canteen Service" for the purpose of calculation of pension in accordance with the relevant provisions contained in C.S. (Pensions) Rules, 1972 and related orders.

4. This order is subject to the final outcome of the W.P. No. 5695/2000 filed in the Hon'ble Delhi High Court against the order dated 3.1.99 and 13.1.2000 of the C.A.T. In the event of a decision in favour of the Government the employee's amount of pension/any other benefit arising from the implementation of this order will have to be refunded along with the interest at the rate applicable to the G.P. accumulation as prescribed in the Department of Pension and Pensioners' Welfare O.M. No. 7/1/93-Dir.(C) P&PW(P) dated 31.10.95 (copy enclosed). An undertaking to this effect shall be obtained from each individual Canteen employee/retired employee by the concerned Ministries/Departments/Offices before implementation of this order.

5. All Ministries/Departments are requested to issue instructions to their attached/subordinate offices to take immediate action to settle the cases of the employees afresh who retired/died in harness on or after 1.10.91.

6. This issues with the approval of Ministry of Finance, Department of Expenditure vide I.D. No C-129/EV/2000 dated 31.10.2000 and Department of Pension and Pensioners Welfare vide Dy. No 432/C/2000 dated 1st November, 2000 and Ministry of Law, Department of Legal Affairs U.O. Note No. 4000/2000 dated 7.11.2000.

7. Hindi version of this O.M. will follow.

  
(S.M. SANIARIAR)  
Director (Canteens)  
Tele. No. 4625818



Copy for information and necessary action to:

1. All Ministries/Departments to the Government of India (as per standard list)
2. Ministry of Finance, Department of Expenditure, North Block, New Delhi.
3. Ministry of Home Affairs, Home (Finance) Division, North Block, New Delhi.
4. Controller General of Defence Accounts, West Block V, R.K. Puram, New Delhi.
5. The Director (Welfare), Department of Posts, Dak Bhavan, Sansad Marg, New Delhi.
6. To the Director (Welfare), Department of Telecom, Dak Bhavn, Sansad Marg, New Delhi.
7. All Controller of Accounts in the Ministries/Departments, New Delhi.
8. Ministry of Economic Affairs, Budgetary Division, New Delhi.
9. C&AG, 10 Bahadurshah Zafar Marg, New Delhi.
10. The Registrar, CAT, Principal Bench, Copernicus Marg, New Delhi.
11. The Director, Department of Pension and Pensioners' Welfare, 3<sup>rd</sup> Floor, Lok Nayak Bhavana, New Delhi.
12. S.O (Canteens), Lok Nayak Bhavan, New Delhi with 500 spare copies.

No. 7/1/93-F&PW(F)  
Government of India  
Department of Pension & Pensioners' Welfare

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New Delhi, 31 October, 1995.

OFFICE MEMORANDUM

SUB: Enhancement of rate of interest payable on delayed payment of DGRG and rate of interest chargeable on refund of pensionary benefits already drawn, in connection with counting of past service under CCS (Pension) Rules, 1972 and Department of Pension & P. O.M. No. 28/10/84-Pension Unit dated 29-8-1984 as amended from time to time.

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The undersigned is directed to invite attention on this Department's O.M. of even number dated 25-8-1994 on the subject mentioned above and to clarify that in the case of refund of the pensionary benefits by the employees opting for counting of service already rendered by them for pension, in terms of the provisions of rule 17 to 20 of CCS (Pension) Rules, 1972, referred to in para 3 of the O.M., the interest will be calculated in the same manner as is done in respect of GPF balances. The manner in which interest on GPF balances is calculated is illustrated in Enclosure-A.

2. It has also been decided in consultation with Ministry of Finance that the penal interest to be charged, in addition to normal rate of interest applicable for GPF accumulations, in the case of non-deposit of pensionary benefits by the employees opting for counting of service within the stipulated period of 1 month after the issue of orders or competent authority will be 2 per cent per annum instead of 1 per cent per annum as earlier indicated in para. 4 of the aforesaid Office Memorandum.

3. In so far as persons serving in Indian Audit & Accounts Department are concerned, these orders issue after consultation with the Comptroller & Auditor General of India.

(S.C. BATRA)

DY. SECRETARY TO THE GOVERNMENT OF INDIA

All Ministries/Departments of Govt. of India.



(ATTACHED)

STATEMENT OF CURRENT ACCOUNT FOR THE YEAR 1993-94

A. For a full year

Balance on 31st March, 1993 - Rs. 50,000. Interest 12% p.a.

Date	Particulars	Debit	Credit	Balance
31/3/93	Balance b/d			50,000
1/4/93	Interest		6,000	56,000
2/4/93	Interest		6,000	62,000
3/4/93	Interest		6,000	68,000
4/4/93	Interest		6,000	74,000
5/4/93	Interest		6,000	80,000
6/4/93	Interest		6,000	86,000
7/4/93	Interest		6,000	92,000
8/4/93	Interest		6,000	98,000
9/4/93	Interest		6,000	1,04,000
10/4/93	Interest		6,000	1,10,000
11/4/93	Interest		6,000	1,16,000
12/4/93	Interest		6,000	1,22,000
1/5/94	Interest		6,000	1,28,000
2/5/94	Interest		6,000	1,34,000
3/5/94	Interest		6,000	1,40,000
	Total		5,14,200	5,14,200

$$\text{Interest} = 5,14,200 \times \frac{1}{12} \times \frac{12}{100} = \text{Rs. } 5,142.$$

No. F. 7/1/73-PSEW(F)  
GOVERNMENT OF INDIA

Department of Pension & Pensioners Welfare

3rd Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003.

Dated 25th August, 1984.

OFFICE MEMORANDUM

SUBJECT: Enhancement of rate of interest payable on delayed payment of D.C.R.G. and rate of interest chargeable on refund of pensionary benefits already drawn, in connection with counting of past service under CCS (Pension) Rules, 1972 and Department of Pension & Pensioners Welfare O.M. No. 28/10/84-PW dated 29-8-1984 as amended from time to time.

The Government have had under consideration, the question of enhancing the rate of interest payable to a Government servant on delayed payment of Death-cum-Retirement Gratuity where delay occurs on account of administrative lapse or for reasons beyond the control of Government servant concerned. In supersession of this Department's O.M. No. 7/3/84-PW dated 28th July, 1984, the President is now pleased to decide that where the payment of D.C.R.G. has been delayed beyond three months from the date of retirement, an interest at the rate applicable to GPF deposits (at present 12 per cent per annum, compounded annually) will be paid to retired/dependents of deceased Government servant.

2. The Administrative Ministries are requested to ensure that in all cases where interest has to be paid on Death-cum-Retirement Gratuity, because of administrative delay, action should be taken to fix responsibility and disciplinary action should be taken against the officer responsible for the delay.

3. The President is also pleased to decide that wherever the employees are required to refund the pensionary benefits received by them for the service already rendered by them under the Central or State Government or autonomous bodies in order to avail of the benefit of counting of past services for pension purposes in terms of the provisions of Rules 17 to 20 of CCS (Pension) Rules, 1972 and Department of Pension & Pensioners' Welfare's O.M. No. 28/10/84-PW dated the 29th August, 1984 as amended from time to time, the rate of interest will be the rate applicable on GPF accumulations from time to time, for the period from the date of receipt of pensionary benefits to date of their refund to the Government/Autonomous Body.

.... / ....



In cases where after the issue of the order by the competent authority on the basis of an order issued by an employee for counting of part service for pensionary purposes, an individual does not deposit the necessary documents properly received by him within one month of the receipt of communication from the Government/Autonomous Body, a rate of interest at 12 per cent per annum will be charged in addition to the normal rate of interest mentioned above.

(a) The rate of interest mentioned in para 1 above will be applicable in all cases where the D.C.R.G. has not been issued as on date of issue of this O.M.

(b) The rate of interest mentioned in para 3 above will be applicable in cases of Government servants/employees of Autonomous Bodies where pensionary benefits are being drawn but have not been referred to Government/Autonomous Body for approval of issue of this O.M.

6. All existing orders relating to interest rate payable by the Government or the employees, as the case may be, will cease to operate w.e.f. the date of issue of this O.M.

7. All the Ministries/Departments are requested to advise the attached subordinate offices/autonomous/statutory bodies under their administrative control and to settle cases in accordance with the provision of this Office Memorandum.

8. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller & Auditor General of India.

  
( S.C. DATTA )

BY, SECRETARY TO THE GOVERNMENT OF INDIA

To

All Ministries/Departments of Govt. of India  
(With usual number of spare copies).