

No.A/49738/AG/PS4(c)/689/A/D(Pens/Sers)  
Government of India/Bharat Sarkar  
Ministry of Defence/Raksha Mantralaya

New Delhi, the 21st April, 1988

To

The Chief of the Army Staff  
The Chief of the Naval Staff  
The Chief of the Air Staff

Subject:- Grant of pro-rata pensionary benefits to Defence Services officers on permanent absorption in Central Autonomous Bodies

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Sir,

I am directed to say that the terms and conditions for grant of pro-rata pensionary benefits to officers of the Defence Services who get absorbed in Central Public Sector Undertakings have been laid down in this Ministry's letters No.8(3)/85/A/D(Pension/Services) dated 17th March 1986, No.8(3)/85/A/D(Pension/Services), dated 19th February 1987 and No.8(1)/86/A/D(Pension/Services) dated 12th February 1988. However, with regard to such of the officers of the Defence Services who join Central Autonomous Bodies on permanent absorption, no separate orders exist. The President is now pleased to decide that the provisions of the aforesaid letters will also apply to those Defence Service officers who:-

(a) While on deputation to Central Autonomous Bodies exercise an option for permanent absorption and are discharged/permitted to retire prematurely from Defence Services for this purpose; or

(b) are appointed in Central Autonomous Bodies on the basis of their own applications sent through proper channel in response to advertisements and are permitted to retire prematurely from service in the Defence Services for the purpose of taking up the appointment in those Bodies.

2. In respect of officers who are already on deputation to autonomous bodies, the existing terms and conditions of their deputation will operate and no extension of deputation beyond the periods specified in their deputation orders should be allowed. In case an officer does not return to his parent Department during or after the sanctioned deputation period, he will be deemed to have been permanently absorbed in the autonomous body on the date of expiry of deputation period.

3. All cases for grant of pensionary benefits to Defence Services officers will be decided by the Ministry of Defence

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and a separate sanction will be issued in each case. If any question arises regarding the interpretation of these instructions or requiring relaxation or if there is any doubt, the same may be referred to this Ministry for clarification.

4. For the purpose of these orders, a Central Autonomous Body is generally a non-profit making organisation which is financed wholly or substantially from cess or Central Government grants. "Substantial" means that more than 50% of the expenditure of the autonomous body is met through cess or Central Govt. grants. An autonomous body may be a society registered under the Societies Registration Act, 1860 or a statutory body or a Central University having its own governing council whose memorandum of association/bye-laws etc., contain provisions for complying with Govt. directives for carrying out its business in achieving the objective for which the organisation is established.


5. Pension Regulations for the three Services will be amended in due course.

6. These orders will take effect from 31st March 1987.

7. This issues with the concurrence of the Finance Division of this Ministry vide their U.O. No. 620-Pen of 21.4.88..

8. Hindi version will follow.

Yours faithfully,

  
(Omkar Nath Chadha)  
Desk Officer

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PROCEDURE FOR DEALING THE COURT CASES

On receipt of information regarding court case filed against Govt of India on entitlement of pensionary benefits following steps are taken :-

1. For cases filed in the courts Located in Delhi

- (a) Liaise with the Central Agency Section/Litigation Section to appoint a Govt counsel.
- (b) The Govt counsel so appointed is briefed about the case and parawise comments on the writ petition filed by the officer are prepared.
- (c) These are then sent to JAG Deptt for vetting.
- (d) Based on the vetted parawise comments, a draft counter affidavit is prepared and filed in the court within the stipulated time.
- (e) Further action is taken as per the direction given by the court during the course of various hearings.
- (f) All along a Rep from our section is present in the court to brief the Govt counsel.
- (g) The Min of Def is also kept informed after every hearing.

2. For Cases filed in Court located outside Delhi

- (a) A copy of the Writ petition filed by the officer against union of India on pensie-nary entitlement is sent to the concerned Legal Cell. for making arrangement for proper defence of the case.
- (b) Parawise comments and brief facts of the case prepared in consultation with various section are sent to JAG Deptt for vetting.
- (c) Vetted para wise comments and brief fact of the case are sent to the concerned unit for their further action in consultation with Govt counsel.
- (d) we received a copy of the Counter affidavit filed on behalf of Union of India for appraisal of Min of Def
- (e) We ask the unit to submit periodic progress.

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*Allahabad.*

PROCEDURE FOR GRANT OF PRO-RATA PENSION TO  
OFFICERS ABSORBED IN PUBLIC SECTOR UNDERTAKINGS/  
AUTONOMOUS BODIES

- (a) Grant of Pro-rata Pension to Army Officers who are absorbed in Public Sector Undertakings/Autonomous Bodies is governed under Government of India, Ministry of Defence letter No. 8 (3)/85/A/D(Pension/Services) dated 17 March, 1986.
- (b) On receipt of retirement order from MS Branch we ask the borrowing department of the officer to let us know the actual date of his joining.
- (c) Once his joining date is known we put up the case to Ministry of Defence alongwith a draft Govt letter for grant of Pro-rata Pension as per provision given in aforesaid letter of 17 Mar 86.
- (d) Once the Ministry of Defence issues the sanction letter, the CDA(P) Allahabad makes payment of Pro-rata pension to the officer concerned.

SIMPLIFYING PROCEDURE IN PROCESSING GRANT/  
FORFEITURE OF PENSION OF OFFICERS INVOLVED  
IN DISCIPLINARY CASES

Existing practice:

1. (a) On finalisation of the disciplinary case, DV Dte communicates the orders regarding dismissal/removal/cashiering of the officer to AG/PS-4.  
(b) On receipt of this communication, AG/PS-4 calls an audit report regarding pensionary entitlements of the officer from CDA(P).  
(c) Simultaneously, AG/PS-4 requests DV Dte to forward the file on which the disciplinary case was processed.  
(d) In addition, AG/PS-4 writes to Zilla Sainik Board (ZSB) to forward a report on the financial position of the officer and to Org-3 to forward the Property Return of the officer.  
(e) On receipt of the audit report from CDA(P), a statement of case is prepared and a draft show cause notice to the officer, after vetting by the JAG's Deptt, is sent to Min of Def.  
(f) Min of Def, in turn, forwards to LA(Def), the show cause notice for vetting. After vetting by LA(Def), Min of Def issues show cause notice to the officer, to explain within 30 days as to why he should be given any pension.  
(g) After receiving the reply from the officer, Reports from Zilla Sainik Board and Org-3, AG/PS-4 examines from compassionate angle and makes recommendations regarding grant/forfeiture of pension after obtaining the approval of ADGPS.  
(h) Min of Def puts up the case to Def (Fin) and Raksha Mantri for final decision.  
(i) After the approval of Raksha Mantri, a Govt letter is issued by the Min of Def communicating total forfeiture or a cut on normal pensionary entitlements.

Delay areas:

2. (a) At times DV Dte is unable to forward their files due to Court Cases or for processing post confirmation petitions.  
(b) CDA(P) has to render the audit reports within 15 days of being asked for by AG/PS-4. It appears CDA(P) can render audit report only on receiving full pay commission certificate from CDA(O) Pune. At times, there had been delay of more than a year also in obtaining the reports from CDA(F).

(c) Zilla Sainik Board do not promptly render the report in many cases. A number of reminders have to be issued to Zilla Sainik Board.

(d) In certain cases, the show cause notice issued by Min of Def are returned undelivered due to change in the recorded address which the officer may not have intimated to Org Dte.

(e) Legal vetting of Show Cause Notice is being done twice by JAG's Deptt as well as LA (Def).

Suggestions for improvement:

3. (a) Where DV Dte is unable to forward the files, photostat copy of the relevant essential notings should be sufficient for processing the case.
- (b) Where reports from Zilla Sainik Board are delayed, the case be examined based on the Property Return of the officer obtained from Org-3.
- (c) To level <sup>legal</sup>vetting could be dispensed with and a standard show cause notice in each case could be issued by Min of Def.
- (d) CGDA be requested to streamline their system existing with CDA(O) as well as CDA(P) so that the audit report is rendered to AG/PS-4 within a fortnight.

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