

IMMEDIATE

No. FIN(C)A(3)-1/85
GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT.
.....

DATED SHIMLA-2, the 26-12-86

OFFICE MEMORANDUM

Subject:-

EXERCISE OR OPTION BY MILITARY PENSIONERS
RE-EMPLOYED IN CIVIL SERVICE OR POST UNDER
RULE -19 (1) OF THE CCS (PENSION) RULES,
1972 ----- DELEGATION OF POWERS FOR RELAXA-
TION.

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undersigned is directed to invite a
reference to rule -19 of the CCS (Pension) Rules, 1972 and to
say that under the rule ibid, a re-employed military pensioner
may exercise option for the following two alternatives;

- (a) either to continue to draw his military pension or retain gratuity received on discharge from Army (in such an event his former military service would not qualify for pension in Civil post) ; or
to cease to draw Military pension and refund the service gratuity including death-cum-retirement gratuity, if any, and count the military service for Civil pension, subject to necessary adjustment being made in respect of military pension drawn during the period of re-employment.

The option as stated above is to be exercised by the Government servant within a period of 3 months of the date of his confirmation in the civil post. The rule also provides that the authority issuing the order of substantive appointment shall along with such order require in writing the Government servant to exercise such option within a period of 3 months of the date of such order. But it has been observed that despite of the clear provisions of the Pension rules, needful is not done by the Heads
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of Departments / Head of Offices in many cases and no option is asked for by these authorities from the concerned incumbents and as a result of this, a number of cases are referred to F.D. for relaxation of the provision of Rule-19 of the G.C.S(Pension) Rules.

2. In enclosing herewith a copy of the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioners' Welfare Office Memorandum No. 28/20/85-Pension, dated the 24th February, 1986, the undersigned is directed to say that the Governor, Himachal Pradesh is pleased to order that the decision contained in this Office Memorandum shall also be applicable in respect of the Government employees of Himachal Pradesh. In other words, the powers for relaxation of the provisions of ~~rule~~ -19 of the G.C.S(Pension) Rules, 1972, shall be exercised by the Administrative Secretaries to the Government of Himachal Pradesh subject to the conditions/guidelines laid down by the Government of India in their Office Memorandum dated 24th February, 1986.

3. The provisions of Government of India's Office Memorandum dated the 11-1-1982 were adopted vide Finance Department's Office Memorandum No. FIN(C)A(3)-2/82, dated the 15th/ 31st December, 1982, and the date of option was extended for a period of 6 months.

4. However, it may be brought to the notice of all offices under your control that provisions of the rule-19 of Pension Rules, 1972, may be followed st

incumbent should be asked to exercise option within a period of three months of the date of his confirmation in the Civil service.

[Signature]

Under Secretary (Finance-Exp) to the Government of H.P.

24/12/85

To

All Administrative Departments of the Government of Himachal Pradesh.

No. FIN(C)A(3)-1/85,

Dated the 26-1

Copy forwarded to:

1. The Divisional Commissioner, Shimla Division, Shimla/ Kangra Division, Dharamsala/ Mandi Division, Mandi, H.P.
2. All Heads of Departments in Himachal Pradesh.
3. The Registrar, H.P. High Court, Shimla-1.
4. All District and Session Judges in H.P.
5. All Deputy Commissioners in Himachal Pradesh.
6. The Resident Commissioner, Himachal Pradesh, Himachal Bhavan, Sikandra Road, New Delhi.
7. All Treasury Officers/ Assistant Treasury Officers in H.P.
8. All Sr. Accounts Officers/Accounts Officers/Auditors under the Admn. Control of ICA Organisation in H.P.
9. The Assistant Director, H.P.A. Fair Lawns, Shimla-12.
10. The Accountant General (Audit) with 20 copies/ Accountant General (Accounts) with 20 copies.
11. The Examiner, Local Audit Department, H.P., Shimla-2.
12. All Public Sector Undertakings/Boards/Corporations in H.P.
13. The Registrar, H.P. University, Shimla-5/ H.P.K.V.V. Pasampur/ Hr. Y.S. Parmar, Horticulture University, Solan, H.P.

[Signature]

Under Secretary Finance-xp to the Government of H.P.

29/12/85

Copy to:

1. All Sections of F.D., H.P. Sectt., Shimla-2
2. The Research Officer, Finance Commission Cell, H.P. Sectt., Shimla.
3. The Sr. Accounts Officer, Personnel Deptt, H.P. Sectt., Shimla-2 with 5 copies.
4. Guard File with 10 copies.

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No.28/20/85-Pension
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances & Pension
Department of Pension & Pensioners' Welfare
.....

New Delhi, the 24 February, 1986.

OFFICE MEMORANDUM

Subject:- Exercise of option by military pensioners re-employed in civil service or post under Rule 19 (1) of the CCS(Pension)Rules, 1972 -- Delegation of powers for relaxation.
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The undersigned is directed to say that in terms of sub-rule (1) of Rule 19 ibid, a re-employed military pensioner is required to exercise within a period of three months of the date of issue of orders of confirmation in civil post, options as under:-

- (a) either to continue to draw military pension or retain gratuity received on discharge from military service (in such an event his former military service would not qualify for civil pension);
- (b) or to cease to draw the military pension and refund the service gratuity including death-cum-retirement gratuity, if any, and count the previous military service for civil pension, subject to necessary adjustment being made in respect of military pension drawn during the period of re-employment.

If no option is exercised as above, the employed military pensioner is deemed to have opted for option (a) above. Further, the last date for exercising such an option was extended upto 31-12-1982 in case of all such re-employed military pensioners who were in service on 30-7-81 vide DP & AR's O.M. No. 28/24/81-PU, dated 11-1-1982.

2. Despite the above provision it is observed that the Ministries/Departments have not been following statutory provisions contained in Rule 19 ibid with regard to exercising of option and counting of military service thereafter. Consequently they have to refer the cases to this Department for obtaining relaxation from the observance of the provisions made in Rule 19 ibid. To expedite the finalisation of such cases, it has been decided to delegate powers to Secretaries in the Ministries/Departments of the Government of India for according relaxation in such cases in

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confirmity with the following guidelines:-

- (i) that the authority issuing the order of substantive appointment to a civil service or post, require in writing the Government servant to exercise the option within 3 months of date of issue of such order or his return from leave whichever is later, in terms of Rule 19(2)(a) ibid.
- (ii) that the competent authority brought to the notice of the Government servant in writing the provision of Rule 19(1)(b) ibid while issuing the order of confirmation in civil post.
- (iii) that the competent authority brought to the notice of the individual Government servant concerned, the order issued by the Department of Personnel & A.R. vide O.M.No. 28/24/81-Pension Unit, dated 11-1-1982, which inter-alia prescribed the last date for exercising option for the purpose, as 31-12-1982.
- (iv) if the aforesaid points are not satisfied, the competent authority should be directed to take action against the officer (s) responsible for such a lapse to avoid recurrence of such cases.
- (v) if the conditions listed in (i) to (iii) above are satisfied, the circumstances leading to non exercising of option by the Government servant concerned, within the stipulated time limit under the rules and the orders quoted above, justifying for relaxation may be considered on merits, as under:-
- (a) Each such case of relaxation may be recommended in consultation with the Integrated Finance/ Pay and Accounts Officers concerned in the Department for specific approval of the Secretary of the administrative ministry/department concerned.
- (b) Officers allowed to exercise option in relaxation of Rule 19(1) of the CCS (Pension) Rules, 1972, may be asked to refund the amount of pension/gratuity in one lumpsum as contained in Rule 19(1)(b) ibid alongwith interest as advised by P & AO.

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3. These delegated powers shall be exercised by the Secretaries of the Administrative Ministries/Departments only in regard to relaxing the time limit of three months prescribed for obtaining option from such personnel. No other condition regulating the provisions for counting of service laid down in Rule 19 of the CCS (Pension) Rules, 1972 should be subjected to relaxation by the administrative Ministries/Departments.

4. In regard to all categories of officers of I.A. & A.D. these powers shall be exercised by the Comptroller and Auditor General of India.

5. These orders come into effect with effect from the date of issue and cases of such Government servants retiring on or after this date will be regulated accordingly.

6. In so far as the persons serving in the Audit and Accounts Department, are concerned, these orders have been issued in consultation with the Comptroller & Auditor General of India.

Sd/-

(S.V. Singh)

Deputy Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India.

13/1/85