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No. Fin(Pen)A(3)-2/88
Government of Himachal Pradesh
Finance Department(Pension Cell)

Shimla-171002, Dated the 8th January, 1997.

OFFICE MEMORANDUM

Subject:- Restoration of one third commuted portion of pension in respect of the Government Servants who had drawn lumpsum amount on their absorption in a Public Sector Undertaking/Autonomous Body.

The undersigned is directed to say that in accordance with the provisions of this Department OM No. Fin(C)A(3)6/81, dated 5-8-1982 and Fin(C)A(3)6/81, dated 12-8-1983, H.P. Government pensioners who have commuted a portion of their pension are entitled to the restoration of the commuted portion of pension after attaining the age of 70 years or after the counted value is repaid to the Government by way of reduced pension whichever is later. This Department OM No. Fin(Pen)A(3)2/88, dated 11-2-1991 stipulates that H.P. Government employees who got themselves absorbed under PSUs/Autonomous Bodies and received/or opted to receive commuted value of 1/3rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after counting 1/3rd of pension would not be entitled to any benefit under these orders as they ceased to be H.P. Government pensioners.

2. A similar provision existed in Para 4 of Government of India, P&PW OM No. 34/2/86, dated the 5th March, 1987 which has now been deleted pursuant to the Supreme Court of India judgement dated 15-12-1995 and the benefit of restoration of commuted portion is admissible to those also who were earlier denied this benefit.

3. The Governor of Himachal Pradesh is pleased to decide that in partial modification of this Department OM, dated 11-2-1991, the benefit of restoration of commuted pension shall be admissible to all those Government Servants who had been absorbed in Public Sector Undertakings/Autonomous Bodies/Statutory Bodies notwithstanding the fact that having commuted the full pension they were not in receipt of any monthly pension.

4. All the concerned H.P. Government absorbees in Public Sector Undertakings/Autonomous Bodies etc. shall have to formally apply to the respective Administrative Department/Office from where they had retired and were paid lumpsum commuted value of pension for the purpose of getting benefit of this Office Memorandum.

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5. Since no PPO had been issued in their case as they had drawn lumpsum payment and were not entitled to the drawl of monthly pension, the concerned Administrative Department/Office shall, after verification of the claims, from the relevant records, forward the papers to Senior Deputy Accountant General(A&E).Himachal Pradesh, for issue of P.P.Os.

6. In cases where the absorbee Government Servant had become entitled to restoration of commuted portion but had died subsequently his/her legal heir(s) is/are entitled to receive arrears from the date of its becoming due till the date of death of the absorbee. For this purpose, legal heir(s) shall have to apply to the concerned Administrative Department/Office from where the absorbee had retired.

7. Administrative Departments are also requested to note that restoration of 1/3rd commuted portion of pension in the case of absorbess would not make the family member(s) of the absorbee eligible to claim family pension from the Himachal Pradesh Government because the entitlement to family pension on absorption of a Government Servant is governed by a separate set of instructions on the subject. It is, therefore, to be ensured by the Administrative Departments etc. that no mention about payment of family pension from the Himachal Pradesh Government in respect of family member(s) of an absorbee should be made in the PPO.

Ram Sarup Khera

Under Secretary(Fin.-Pension) to the Government of Himachal Pradesh.

To All Administrative Departments of the Government of Himachal Pradesh.

No. Fin(Pen)A(3)2/88, Dated Shimla-171002, the 8/15 January, 1997. Copy forwarded to:-

1. The Divisional Commissioner, Shimla Division/Kangra at Dharamsala Division/Mandi Division, Himachal Pradesh.
2. All Heads of Departments in Himachal Pradesh.
3. All District and Sessions Judges in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. The Registrar, H.P.High Court, Shimla-171001.
6. All District Treasury Officers/Treasury Officers of Sub-Treasuries in Himachal Pradesh.

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