

Copy of

No. Fin(C)-A(3)-17/76-II
Government of Himachal Pradesh
Finance (Regulation) Department

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Date: Shimla-2, the 18th April, 1988

OFFICE MEMORANDUM

Subject:-

Counting of service for purpose of pension of employees of Central Government and Central autonomous bodies seeking absorption in autonomous bodies under the State Government and vice versa.

In continuation of Finance Department O.M. of even number dated the 4th June, 1986, on the above subject forwarding therewith a copy of Govt. of India letter No. 28/10/84-Pension Unit, dated the 29th August, 1984 regarding mobility of personnel between Central Government Departments and Autonomous Bodies Counting of Service for pension the undersigned is directed to forward herewith a copy of O.M. No. 28/2/85-P&PW, dated the 22nd February, 1988, received from the Deputy Secretary to the Government of India, Ministry of Personnel and Public Grievances & Pension, Department of Pension & Pensioners' Welfare, New Delhi for information and necessary action which may please be brought to the notice of all concerned. This decision will also be applicable in I.P. Govt. to those who retired before the said date i.e. 29-8-1984.

-Sd-

Deputy Secretary (Finance-R) to the
Himachal Pradesh Government.

All Administrative Departments
of the I.P. Government.
No. Fin(C)-A(3)-17/76-II. Dt. Shimla-2, the 18th April, 1988
Copy forwarded to:-

As per standard list.

- Sd-

Deputy Secretary (Finance-R) to the
Government of Himachal Pradesh

Copy of Office Memo.No.28/2/85-F&PW, dated the 22nd February, 1988 from Sh.A.D.Fatnaik ,Dy.Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension and Pensioners' Welfare, 6th Floor Hervoachan Salan, Ashok Road, New Delhi, addressed to All Ministries Departments of the Govt. of India and All State Governments and Union Territory Administrations etc. etc.

Subject:- Mobility of Personnel between Central Government Department and Autonomous Bodies-Counting of Service for pension.

The undersigned is directed to say that vide

para-7 of the instructions issued vide the Department of Personnel Administrative Reforms O.M.No.28/10/84-Pension Unit, dated 29th August, 1984 on the above subject these instructions are effective from the date of issue i.e. 29th August, 1984. It is further stipulated there in that the revised policy as enunciated thereunder would be applicable to those employees who retired from Government /Autonomous Body service on or after the issue of these orders.

2. It has been held by the Supreme Court of India in its judgement dated 12th August, 1987 in Writ Petition No.3739 of 1985-Case of Sh.R.L.Marwah v/Union of India & Others that paragraph 7 of the Government order cannot be used against persons in the position of the petitioner to deny them the benefit of the past service for purpose of computing the pension.

3. The question regarding implementation of the Supreme Court Judgement has been under consideration of the Government. The President has now been decide that the benefit under the instructions contained in the orders dated 29-8-1984. should also be extended to all those who had retired prior to the issue of said orders and who are otherwise eligible for the benefit of counting of service thereunder.

4. The arrears of pension, if any, which become due to the concerned pensioners, would be disbursed to them w.e.f. 29-8-84 i.e. the date of the Government order only and that they would not be entitled to get any relief in respect of the period prior to 29-8-1984.

5. All the Ministries/Departments/Autonomous Bodies may review the cases of such pensioners on receipt of their requests.

6. In their applocation to pensioners who retired from Indian Audit & Accounts Departments, these orders have been issued after consuttation with the Comptroller and Auditor General of India.

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