

No. Fin (pen) F (10) - 2/89  
Government of Himachal Pradesh  
Finance Department (Pension Cell)

Dated Shimla-2, the 14<sup>th</sup> Oct, 1994

OFFICE MEMORANDUM

Subject:- Recovery and adjustment of Government dues against retirement Gratuity .

I am directed to invite a reference to Rule 73 of CCS (Pension) Rules, 1972 where-in procedure for recovery and adjustment of Government dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub-rule (3) of rule 71, has been prescribed. Head of Office is required to take steps to assess the dues two years before the date on which a Government servant is due to retire and complete the assessment eight months prior to the date of retirement of the Government servant. Dues, as assessed, including those which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant are to be adjusted against the amount of retirement Gratuity becoming payable to the Government servant.

24 Recoveries in respect of items enumerated in sub-clause (a) and (b) of sub-rule (3) of Rule 71 of Pension Rules are such about which there cannot be any dispute. If there are any undisputed recoveries due from the Government servant the same should also be capable of being adjusted from the retirement Gratuity or death Gratuity within sub-rule (3). However, position with regard to recoveries on account of shortages of stores and those on account of frauds/ embezzlements or those arising out of imposition of monetary penalties etc. is slightly different.

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It may not be possible to adjust these recoveries ~~the retirement gratuity~~ unilaterally unless the quantum of recoveries has been finalised through a formal enquiry, after affording a reasonable opportunity to the Government servant, against such recoveries. If any such recoveries are pending against the Government employee, the proper course will be to institute formal proceedings under rule 9 of CCS (Pension) Rules, 1972, for affecting the same.

Instances have come to the notice of this department where Departments did not take appropriate action with regard to assessing/determining the quantum of such recoveries and settling them. Due/ no due certificate in these cases could not be issued in time and the Departments, instead, found it expedient to withhold retirement gratuity in full or part, thus causing great hardship to the retiree. Besides, interest also becomes payable in cases where withholding of gratuity is subsequently found unjustified.

Administrative Departments are, therefore, requested to instruct all offices under their control suitably to ensure that the prescribed procedure is followed strictly and scrupulously by all concerned. Suitable action may also be taken against those found responsible for any lapse in this behalf.

*[Signature]*  
Joint Secretary (Pension) to  
the Government of Himachal Pradesh

All Administrative Departments,  
Government of Himachal Pradesh

No. Fin (Pen) 7 (10) - 2/89 Dated Shimla-2, the 24<sup>th</sup> Oct, 1994

Forwarded to:-

1. The Divisional Commissioner, Shimla Division, Shimla/  
Langar Division, Dharamsala/Mandi Division, Mandi, H.P.

It may not be possible to adjust these recoveries.

The settlement gradually militarily under the pressure of recoveries has been finished through a formal enquiry, after allowing a reasonable opportunity to the Government servants, against such recoveries. If any such recoveries are pending against the Government employees, the proper course will be to institute formal proceedings under rule 9 of CCS ( Pension) Rules, 1973, for attaching the same.

Instances have come to the notice of this Department where Departments did not take appropriate action with regard to assessing/determining the quantum of such recoveries and issuing them. Due to the certificate in these cases could not be issued in time and the Departments, instead, found it expedient to withhold retirement gratuity in full or part. This existing great hardship to the retirees. Besides, interest also becomes payable in cases where withholding of gratuity is subsequently found unjustified.

Administrative Departments are, therefore, requested to institute all offices under their control suitably to ensure that the prescribed procedure is followed strictly and scrupulously by all concerned. Suitable action may also be taken against those found responsible for any lapse in this behalf.

*[Signature]*  
Joint Secretary (Pension),  
the Government of Haryana

All Administrative Departments,  
Government of Haryana

CC, 1994

The District Commissioner, State Division, Haryana,  
Muzaffarpur Division, Patna, Bihar