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

Dated: Shimla-2, the 4th July, 1986
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.

The Undersigned is directed to state that the matter regarding counting of service for the purpose of pension of employees of Central Government and Central autonomous bodies seeking absorption in the Autonomous bodies under the State Government and the service of the State Government and vice-versa had been for sometime past under consideration of the State Government in consultation with the Government of India. The State Government have entered into a reciprocal arrangement with the Central Government for permitting counting of service for the purpose of pension of the employees of Central Government and Central autonomous bodies seeking absorption in the State autonomous bodies and in the service of the State Government and vice-versa.

2. The instruction issued by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioner's Welfare contained in their letter No. 23(1)/84-P&PW-Vol-II dated 7th February, 1986 along with its enclosures bearing No. 28/10/1984-Pension Unit dated 29th August, 1984 are enclosed for ready reference, which may please be brought to the notice of all concerned.

3. These orders will apply to the employees in service on 7-2-1986 irrespective of the date of their absorption.

sd/-
Financial Commissioner-cum-Secretary
(Finance) to the Govt. of H.P.

All Administrative Departments
Government of Himachal Pradesh.

(94)

Copy of letter No.28(10)/84-P&PW-Vol-II, dated 7-2-1986, from the Government of India/Bharat Sarkar, Ministry of Personnel Public Grievances & Pension Department of Pension & Pensioner's Welfare, addressed to the Chief Secretaries of all the State Governments and copy endorsed to others.

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.

I am directed to say that in August, 1984, Central Government had issued orders that where a Central Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous Body having a pension scheme of its own, the service rendered by him under the Government shall be allowed to be counted towards pension under Autonomous Body irrespective of whether the employee was temporary or permanent in Government, Subject to certain conditions. The same procedure will apply in the case of employees of the Autonomous Bodies who are permanently absorbed under the Central Government. Certain employees of the State Government and State Autonomous Bodies who joined the Central Autonomous Bodies/Statutory Bodies, have also represented that their service under the State Government/State Autonomous Body may be allowed to be counted towards pension under Central Autonomous Body where they are presently working. Similarly, certain Central Government servants and employees of the Central Autonomous Bodies/Statutory Bodies have joined Autonomous Bodies/Statutory Bodies (excluding public undertakings) of the State Governments and may be desirous of getting the benefits of counting of service under Central Government/Autonomous Bodies towards pension in the organisations where they are presently working.

2. In the circumstances explained above, it was felt that reciprocal arrangements may be entered into with the various State Governments to the effect that where employees of the State Governments/State Autonomous Bodies/State Statutory Bodies, have been absorbed in the Central Autonomous Bodies, they may be allowed the same benefits as have been extended to the Central Government servants and vice-versa.

3. The question of extension of various benefits like counting of service etc. in the cases of (i) employees of the Central Government absorbed in State, Autonomous Bodies, and (ii) employees of Central Autonomous Bodies absorbed in State Governments and State Autonomous Bodies; and Vice-versa, has been considered in consultation with the State Governments. After careful consideration, the President has now been pleased to decide that these cases may be decided in accordance with the principles as laid down in the Department of Personnel and Administrative Reforms O.M.No.28/10/84-Pension Unit dated 29-8-1984 (copy enclosed). The cases of Central Government servants appointed in State Governments and vice-versa will continue to be decided as hitherto.

4. Similar orders regarding counting of service of the Central Government employees in the event of their absorption

lies the State Autonomous Bodies and employees of the Central autonomous Bodies in the State Governments, and State Autonomous as well as orders regarding acceptance of pension liability etc. in respect of State Government and State Autonomous Bodies and employees absorbed in Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be issued by the respective State Governments.

5. These orders shall apply to employees of the State Governments and State Autonomous Bodies moving to Central Government/Central Government Autonomous Bodies in respect of the State Governments listed below:-

- (i) Karnataka
- (ii) Madhya Pradesh
- (iii) Punjab
- (iv) Rajasthan
- (v) Sikkim
- (vi) Tripura
- (vii) West Bengal
- (viii) Uttar Pradesh
- (ix) Bihar
- (x) Gujrat
- (xi) Assam
- (xii) Meghalaya
- (xiii) Himachal Pradesh

These orders shall be extended to the employees of other State Governments as and when they agree to similar reciprocal arrangements.

6. These orders will apply to the employees of the Central Government moving to State, Autonomous Bodies and employees of Central Autonomous Bodies to the State Governments and their Autonomous Bodies mentioned in para 5 above and vice-versa who are in service on date of issue of these orders, irrespective of the date of their absorption.

7. So far as persons serving in the Indian Audit and Accounts Department are concerned, these orders will be issued after consultation with the Comptroller and Auditor General of India.

(6)

Copy of letter No.28/10/84-Pension Unit, dated 29th August, 1984 from the Government of India/Bharat Sarkar, Ministry of Home Affairs/Grih Mintralaya, Department of Personnel and Administrative Reforms(Karmik Aur Prashasnik Sudhar Vibhag) to the All Ministries/Departments of the Govt. of India etc., Comptroller and Auditor General of India, New Delhi and others.

Subject:- Mobility of personnel between Central Government Departments and Autonomous Bodies-Counting of service for pension.

As Per existing orders, service rendered outside Central Government does not count for pension in Central Government except in the case of scientific employees of autonomous bodies financed or controlled by the Government, who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the Benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the case of Central Government employees going over to a Central autonomous body or vice versa and employees of the Central autonomous body moving to another Central autonomous body regulated as per the following provisions:-

(a) In case of Autonomous Bodies where Pension Scheme is in operation

(i) where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent in Government. The pensionary benefits will, however,

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accrue only if the temporary service is followed by confirmation. If he retires as a temporary employees in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employees of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/autonomous body will discharge its pension liability by paying in lumpsum as a one-time payment, the pro-rata pension/service gratuity/terminal gratuity and DCRG for the service up to the date of absorption in the autonomous body/Government, as the case may be. Lump sum amount of the pro-rata pension will be determined with reference to commutation table laid down in CCS (Commutation of pension) Rules, 1981, as amended from time to time.

(ix) A central Government employee with CPF benefits or permanent absorption in an autonomous body will have the option either to receive CPF benefits which have accrued to him from the Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in the autonomous body by foregoing Govt.'s share of CPF contributions with interest, which will be paid to the concerned autonomous body by the concerned Government Department. The option shall be exercised within one year from the date of absorption, if no option is exercised within stipulated period, employees shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(B) Autonomous body where the Pension Scheme is not in operation.

(i) A permanent Central Government employee borne on pensionable establishment, on absorption under such autonomous body will be eligible for pro-rata retirement benefits in accordance with the provisions of the ministry of Finance O.M. No 26(18)EB(B)/75 dated the 8th April, 1976, as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules, would be actually payable to the individual on the date when pro-rata retirement benefits to permanent employees become payable.

However, in the case of absorption of a Government employee with CPF benefits, in such an autonomous organisation, the amount of his subscriptions and the Government's contribution, if any together with interest thereon shall be transferred to his new Provident Fund Account with the consent of that body.

(ii) An employee of an autonomous body on permanent absorption under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised.

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within one year from the date of absorption. If no option is exercised within stipulated period, employees shall be deemed to have opted to receive C.P.F. benefits. The option once exercised shall be final.

(C) Absorption of employees of one Central Autonomous body in another Central Autonomous body.

~~The above procedure will be followed mutatis mutandis in respect of employees going from one autonomous body to another.~~

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5(i) The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received pro-rata retirement benefits or other terminal benefits for their past service will have the option either:-

- (a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be, or
- (b) to have the past service counted as qualifying service for pension under the new organisation in which case the pro-rata retirement or other terminal benefits, if already received by them, will have to be deposited along with interest thereon from the date of receipt of those benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases, where pro-rata retirement benefits have already been sanctioned but have not yet become payable the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The option shall be exercised within a period of one year from the date of issue of these orders. If no option is exercised by such employee within the prescribed time limit, they will be deemed to have opted for retention of the benefits already received by them. The

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option once exercised shall be final.

(2) Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer assents pension liability for the service in accordance with the principles laid down in this office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6. These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. These orders will take effect from the date of issue and the revised policy as enunciated above will be applicable to those employees who retire from Government/autonomous body service on or after the date of issue of these orders.

The provisions contained in the Ministry of Finance office Memorandum No.26(18)EV(B)/75 dated the 8th April 1976 and office Memorandum No.25(1)EV/83, dated the 8th September, 1983 or any other orders shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

8. The Ministry of Education and Culture etc. are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

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