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SPEED POST

OFFICE OF THE ACCOUNTANT GENERAL (A&E) PUNJAB, CHANDIGARH - 160017.

UNDER SPECIAL SEAL AUTHORITY
PEN-12/Imp. Order/ 2017-18/3671-3705

DATED 22 JAN 2018

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4	The Accountant General (A&E) II Bihar, Patna
5	The Accountant General (A&E) I, Gujarat, Rajkot
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7	The Pr. Accountant General (A&E) Kerala, MG road, PB No. 5607, Thiruvananthapuram - 695039
8	The Accountant General (A&E) Madhya Pradesh, Gwalior
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19	The Pr. Accountant General (A&E) West Bengal, Treasury Building Kolkata - 700001
20	The Accountant General (A&E) I UP, Allahabad
21	The Accountant General (A&E) II UP, Allahabad, 20, Sarojini Naidu Marg, Allahabad 211001
22	The Accountant General (A&E) Jammu & Kashmir, Srinagar
23	The Accountant General (A&E) Manipur, Imphal
24	The Accountant General (A&E) Tripura, Agarthala
25	The Pr. Accountant General (A&E) Assam, Guwahati
26	The Accountant General (A&E) Uttarakhand, Dehradun
27	The Pr. Accountant General (A&E) Meghalaya, Shillong
28	The Accountant General (A&E) Nagaland, Kohima
29	The Accountant General (A&E) Chhattisgarh, Raipur
30	The Director of Audit & Pension, Govt. of Arunachal Pradesh, Nahrlagun-791110
31	The Chief Controller of Accounts, Ministry of External Affairs, Akbar Bhawan, Chanakyapuri, New Delhi 110021
32	The Government of Goa, Directorate of Accounts, Pension Section, Panaji, Goa.
33	The Pay & Accounts Officer-V, Govt. of NCT of Delhi, Delhi
34	The Accountant General (A&E) Sikkim, Gangtok
35	The Accountant General (A&E) Mizoram Aizawl

Subject: - Implementation of Judgment dated 30.09.2016 in C.W.P No. 2866 of 2014 titled as Karanvir Singh & ors. Vs. State of Punjab & Ors and judgment dated 22.10.2013 in C.W.P No. 25733 of 2012-A.P. Sharma & other Vs. State of Punjab and others-- clarification reg.

Sir,

Please find enclosed herewith copy of Punjab Government Finance Department Letter No. 4/13/2013-1FPPC/1035969/1 Dated 02.08.2017, No. 4/13/2013-1FPPC/1066963/ Dated 18.09.2017 And No. 4/13/2013-1FPPC/1089742/1 Dated 24.10.2017 for further necessary action at your end.

It is requested that this order may be circulated to all District Treasury officers under your accounting circle. *for informing the Pensioners / family Pensioners*
Please acknowledge receipt.

Yours faithfully

Sr. Accounts Officer

Office of the Accountant General (A&E)
AP & Telangana, Hyderabad
19-JAN-18



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No.4/13/2013-1FPPC/1089742/1
Government of Punjab
Department of Finance
(Finance Pension Policy & coordination Branch)
Dated, Chandigarh, the October 24, 2017

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To,

All Heads of the Departments,
Commissioners of Divisions,
Registrar, Punjab and Haryana High Court,
District and Sessions Judges and
Deputy Commissioners in the State.

Sub:

Implementation of Judgment dated 30.09.2016 in CWP No. 2866 of 2014 titled as Karanvir Singh & others Vs. State of Punjab & ors and Judgment dated 22.10.2013 in CWP No. 25733 of 2012- P. Sharma & others Vs. State of Punjab & others - clarification reg.

Sir/Madam,

In continuation to this Department letter No. 4/13/2013-1FPPC/1066963/1 dated 18.09.2017 on the subject cited above. I have been directed to convey that since the petitioners in the case of CWP 2866 of 2014 titled as Karanvir Singh & others Vs. State of Punjab & ors were retirees/pensioners of pre 1.1.2006 and post 1.1.2006, thus clarification issued by this Department vide letter No. 4/13/2013-1FPPC/1066963/1 dated 18.09.2017 is also applicable to pre 1.1.2006 retirees as such.

Meticulous compliance of these instructions may kindly be ensured.

Yours faithfully

Sargita
(Sargita)

Under Secretary Finance

Endst. No. 4/13/2013-1FPPC/1089742/2 Dated, Chandigarh, the October 24, 2017
A copy is forwarded to the following for information and necessary action:-

- (i) The Chief Secretary to Government Punjab, Chandigarh.
- (ii) All the Financial Commissioners and the Principal, Secretaries to Government of Punjab
- (iii) All the Administrative Secretaries to the Government of Punjab.
- (iv) The Advocate General, Punjab, Chandigarh.
- (v) Resident Financial Commissioner, Punjab, Punjab Bhawan, Copernicus Marg, New Delhi.

Swarnjit
Superintendent

Endst. No. 4/13/2013-1FPPC/1089742/3 Dated, Chandigarh, the October 24, 2017

A copy is forwarded to the following for information and necessary action:-

- i) The Accountant General (Audit), Punjab, Chandigarh.
- ii) The Accountant General (A&E), Punjab, Chandigarh.

Endst. No. 4/13/2013-1FPPC/1089742/4 Dated, Chandigarh, the October 24, 2017
A copy is forwarded to the Managing Director, Punjab Infotech with a request to upload these instructions on the official website of the Government of Punjab.

Swarnjit
Superintendent

No.4/13/2013-1FPPC/1066963/1
Government of Punjab
Department of Finance

(Finance Pension Policy & coordination Branch)

Dated, Chandigarh, the September 13, 2017

(40)

To:

All Heads of the Departments,
Commissioners of Divisions,
Registrar, Punjab and Haryana High Court,
District and Sessions Judges and
Deputy Commissioners in the State.

Sub: implementation of Judgment dated 30.09.2016 in CWP No. 2866 of 2014 titled as Karanvir Singh & ors Vs. State of Punjab & ors - clarification reg.

Sir/Madam,

In continuation to this Department letter No. 4/13/2013-1FPPC/1035969/1 dated 02.08.2017 on the subject cited above, I am directed to convey that in Para 4 of the above letter, the words "in accordance with pay scales revised by the Government of Punjab" may be substituted by the words "as per 'initial pay' of the pay scale re-revised by the Government of Punjab"

Illustration:

Suppose a government employee was drawing pay of Rs. 15800/- plus grade pay of Rs. 3800/- i.e. total pay of Rs. 19600/- (15800+3800) in pay scale of Rs. 10300-34800+3800 Grade Pay (with initial start of Rs. 14590/-) at the time of his retirement on 31.03.2010. The full pension in this case was worked out to Rs. 9800 i.e. $19600 \times 1/2$. The above pay scale was re-revised w.e.f. 01.12.2011 to Rs. 10300-34800+4400 Grade Pay (with initial start of Rs. 17420). Now the revised pension in this case would be worked out @50% of the "initial pay" of the re-revised pay scale i.e. Rs. $17420 \times 1/2 = 8710/-$. Since, the pensioner is already getting more pension (i.e. Rs. 9800/-), therefore, no revision of pension would be required in this case.

2. It is further clarified that Para 5 of the letter *ibid* may be substituted as under:

"The Pensioners/family pensioners whose pension/family pension is required to be revised in terms of Finance Department instructions dated 02.08.2017 will make a written request to the concerned Pension Sanctioning Authority who will send the revised pension case to the Accountant General Punjab for necessary authorization. The Accountant General, Punjab would revise the pension/family pension and send revised authorization to the concerned District Treasury Officer/Bank and the District Treasury Officer/Bank shall revise the pension/family pension under these instructions only after it is authorized by the Accountant General, Punjab."

3. Meticulous compliance of these instructions may kindly be ensured

Yours faithfully,

(Signature)

Under Secretary Finance

Encl: No 4/13/2013-1FPPC/1066963/2 Dated Chandigarh

No.4/13/2013-1FPPC/1035969/1
Government of Punjab
Department of Finance
(Finance Pension Policy & coordination Branch)
Dated, Chandigarh, 24th August, 2017

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To.

All Heads of the Departments,
Commissioners of Divisions,
Registrar, Punjab and Haryana High Court,
District and Sessions Judges and
Deputy Commissioners in the State

Implementation of Judgment dated 30.09.2016 in CWP No. 2866 of 2014 titled as Karanvir Singh & ors Vs. State of Punjab & ors.

2. Madam,

I am directed to invite a reference to the subject cited above and to say that pensioners who are pre and post 01.01.2006 retirees from various departments, had filed CWP referred to in the subject before the Hon'ble Punjab & Haryana High Court for re-fixation of their pension as per circulars dated 17.8.2009 and 22.2.2010 after quashing the instructions issued by the Department of Finance vide letter No. 3/39/09-3FPPC/576 dated 13.6.2012 in view of the increase in the pay scales, grade pay and in terms of the judgment dated 30.09.2016 rendered by Hon'ble Punjab & Haryana High Court in CWP No. 2866 of 2014 titled as *A.P. Sharma and others Vs. State of Punjab and others*.

2. Para No.2 of the letter dated 13.6.2012 referred to in Para-1 above is reproduced as under:-

"The matter has been considered in the light of the prevailing policy of the Government and it is reiterated that as per Para 4.2 of Government letter No.3/23/09-3FPPC/885, dated 17.8.2009 as modified and supplemented vide Government Letter No. 3/39/09-3FPPC/201 dated 22.02.2010, the pension of the pre 1.1.2006 pensioners is to be revised only once with reference to the initial pay at revised scale of pay as on 1.1.2006, and the subsequent re-revision of scales of pay has no co-relation, whatsoever, with the pension of such pensioners. Similarly, the pension of those pensioners, who are retiring from 1.1.2006 onwards, is fixable only to the pay scales as on 1.1.2006 as on the date of their retirement and it has no co-relation, whatsoever, with the re-revision of pay scales from any subsequent date. It is, therefore, requested that necessary action in the matter may please be taken accordingly."

Hon'ble Punjab & Haryana High Court in CWP No. 2866 of 2014 titled as Karanvir Singh & ors Vs. State of Punjab & ors disposed of this CWP and other connected writ petitions vide order dated 30.09.2016 and held as under:

"Present case is squarely covered by the said authority of the Division Bench and therefore, it has to be held that the pre 1.1.2006 retirees are entitled to re-fixation of pension as per circular dated



Now, the question would arise what is to be the position regarding post 1.1.2006 retirees. In above noted A.P.Sharma's judgment, the Division Bench has held that circular dated 1.12.2011 is retroactive. It is held to be effective from 1.12.2011. The result would be that those employees, who retired between 1.1.2006 and 1.12.2011 shall also be entitled to the same benefit and their pension is to be accordingly fixed to be effective from 1.12.2011 in the revised pay scales which have been made applicable from 1.1.2006.

Hence, it is ordered that the pre 1.1.2010 retirees are entitled to fixation of their pension as per revised rates 1.12.2011 and contribution toward the Government provident fund 1.12.2011 and also to receive other statutory and financial benefits as per revised rates to be effective with effect from 1.12.2011. The Government employees who retired between 01.01.2009 to 31.12.2011 are also entitled to re-fixation of the pension but without retrospective effect, namely, from the date when competent authority made it effective w.e.f. 1.12.2011. On account of re-fixation of the pension, other consequential benefits will also follow.

Necessary follow-up action be taken within three months from the date of receipt of a certified copy of this judgment.

In view of what has been discussed above, all the writ petitions are allowed."

1. The Government of Punjab has decided to implement the judgment of the Hon'ble High Court dated 22.10.2013 in CWP No. 25733 of 2012 titled as A.P. Sharma & ors Vs. State of Punjab & ors in respect of pre 01.01.2006 retirees. As regards post 01.01.2006 retirees, the State Government has also decided to implement the judgment in CWP No. 2866 of 2014 titled as Karanvir Singh & ors Vs. State of Punjab & ors in respect of post 01.01.2006 retirees also. As such pension of post 01.01.2006 retirees (those who retired between 01.01.2006 and 01.12.2011) may be re-fixed w.e.f. 01.12.2011 in accordance with pay scales revised by the Government of Punjab for various categories of the employees on 01.01.2006 subject to the condition that a fixed pension in no case shall be less than 50% of the revised pay scale of the employee on 01.12.2011. However, such pension/family pension shall be suitably reduced pro-rata, where the qualifying service of the person falls short of 33 years (as per instructions No. 3/39/09-34 PFC 201 dated 22.2.2010).

Contd. 3

The pensioners/family pensioners whose pension/family pension is to be revised in terms of orders dated 30.09.2015 and 01.08.2017 of the Hon'ble High Court may make a written request to the concerned Pensioners' Welfare Officer who would re-fix the pension/family pension and send intimation of the amount of revised pension to the concerned District Treasury Officer Bank.

Meticulous Compliance of these instructions may kindly be ensured.

Yours faithfully

Sangita
(Sangita)

Under Secretary Finance

Endst. No. 4/13/2013-1FPPC/1035969/2 Dated, Chandigarh, the August 2, 2017

A copy is forwarded to the following for information and necessary action:

- (i) The Chief Secretary to Government Punjab, Chandigarh.
- (ii) All the Financial Commissioners and the Principal Secretaries to Government of Punjab
- (iii) All the Administrative Secretaries to the Government of Punjab.
- (iv) The Advocate General Punjab, Chandigarh.
- (v) Resident Financial Commissioner, Punjab, Punjab Bhawan, Copernicus Marg, New Delhi.

Sangita
Superintendent

Endst. No. 4/13/2013-1FPPC/1035969/3 Dated, Chandigarh, the August 2, 2017

A copy is forwarded to the following for information and necessary action:

- (i) The Accountant General (Audit), Punjab, Chandigarh.
- (ii) The Accountant General (A&T), Punjab, Chandigarh.

Endst. No. 4/13/2013-1FPPC/ Dated, Chandigarh, the August 2, 2017

A copy is forwarded to the Managing Director, Punjab Infotech with a request to upload these instructions on the official website of the Government of Punjab.

Sangita
Superintendent

Endst. No. 4/13/2013-1FPPC/1035969/4 Dated, Chandigarh, the August 2, 2017

A copy is forwarded to the -

1. Secretary to Government of Punjab, Punjab, Department of Finance, Chandigarh.
2. Secretary to Government of Punjab, Punjab, Department of Finance, Chandigarh.
3. Finance Secretary, Chandigarh Administrative District, Chandigarh.
4. Accountant General, Haryana, Chandigarh.
5. Accountant General, Himachal Pradesh, Shimla.
6. Director, Treasury and Accounts, Punjab.
7. Director, Pensions and Pensioners' Welfare, Punjab, Chandigarh.
8. Director, Public Relations, Punjab, Chandigarh.
9. Additional Director, IAO (R), Sector 17, Chandigarh.