

No. 36-03/2019-Pen(T)
Government of India
Ministry of Communications
Department of Telecommunications
(Pension Section)

Room No. 514, Sanchar Bhawan
20, Ashoka Road, New Delhi - 110001
Dated: 22-07-2024

OFFICE MEMORANDUM

Subject: Circulation of DoP&PW OM No. 38/05(25)/2024-P&PW(A)/(9633) dated 15.07.2024 regarding policy for references of Court cases to Department of Pension & Pensioners' Welfare - Instructions.

The undersigned is directed to circulate the above mentioned DoP&PW OM dated 15.07.2024 to all concerned for information and strict implementation.

2. It is again to re-iterate that all offices of CCAs/Pr.CCAs should invariably report all court cases related to pensionary benefits to Pension Section, DoT HQ, as already conveyed vide OM No. 38-10/2023-Pen(T) dated 10.04.2023 (copy enclosed)

3. Further, while forwarding the judgements to this office, in any case related to pensionary benefits, CCA offices are requested to indicate all the facts of the case in a self contained note along with legal opinion of CGSC and recommendation of Pr.CCA/CCA for implementing/challenging the judgement along with justification/reasons.

Encl: As above.

(Kuldeep Kumar)
Under Secretary to the Govt. of India
Tel No. 011-23036073

To:

1. All CCA/Pr. CCA offices
2. CGCA, New Delhi
3. DDG(Accounts), DoT HQ

No.38/05(25)/2024-P&PW(A)(9633)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशन भोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट नई दिल्ली Khan Market, New Delhi-110 003

दिनांक Dated: 15.07.2024

कार्यालय ज्ञापन/Office Memorandum

विषय: Policy for references of Court Cases to Department of Pension and Pensioners' Welfare - Instructions - reg.

The undersigned is directed to refer to this Department's OM No.38/70/14-P&PW(A) dated 07.10.2015 regarding consultation with this Department in all cases for implementation or otherwise of the court orders, where any policy issue relating to pension matters is involved.

2. The Department of Pension and Pensioners' Welfare, being nodal Department on pension matters, is impleaded along with the concerned administrative Ministries/Departments, either as main party or proforma party in almost all CAT/High Court/Supreme Court cases.

3. As per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

4. Under the extant policy, this Department is receiving Inter- Ministerial references in matters where SLP cases are to be filed. However, it has been observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. Therefore, there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law.

Contd....p/2

5. Hence, it is decided that all matters where Ministries/Departments seek to approach High Courts in CCS (Pension) Rules/Policy related issues, be referred to Department of Pension and Pensioners' Welfare alongwith the views of the administrative Ministry/ Department in a timely manner and comments/opinion of this Department received, if any, may be incorporated in the submissions made before Hon'ble High Courts in the matters involving major pension policy issues.

6. The administrative Ministry/Department while referring the proposal should invariably indicate all facts pertaining to the case in a Self Contained Note. The note should also include the relief sought by the petitioner/applicant, earlier advice/opinion of DoPPW, submission made by the Department before the Court/CAT, opinion of the Government Counsel on the judgment, opinion of D/o Legal Affairs and D/o Expenditure/DoPT, if any. All the references should be made to this Department alongwith views in the matter and with the approval of the Secretary of the Administrative Ministry/Department well in advance.

7. The above instructions may be brought to the notice of all concerned for strict compliance. These instructions are issued in consultation with Department of Expenditure.

8. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।



(Dhrubajyoti Sengupta)

Joint Secretary to the Government of India

Tel. No 24625540

E mail: js-doppw@nic.in

To

The Secretaries of all Ministries/Departments of the Government of India

Copy for information to :

- i. The Secretary, Department of Expenditure
- ii. The Secretary, Department Personnel and Training
- iii. The Secretary, D/o Legal Affairs
- iv. All officers in the DoPPW

Court Case
Most Immediate

No.38-10/2023-Pen(T)
Government of India
Ministry of Communications
Department of Telecommunications

513, Sanchar Bhawan
20, Ashoka Road
New Delhi - 110 001.

Dated the 10th April, 2023.

OFFICE MEMORANDUM

Subject: Instructions regarding handling Pension cases and related Court Cases - reg.

It has been observed that the Pensions cases and related court cases are not being handled properly at some offices.

2. For effectively defending of the legal cases, following instructions should be followed by all the field offices:

(a) Cases are to be reported at initial stage by the respective CCAs to DoT HQ along with the gist of the case and their inputs.

(b) As per OM NO.7-77/2013/TA-1/6092-6125 dated 21.11.2017, the Pension Sanctioning Authority is the concerned CCA. Hence para wise comments may be prepared keeping this in mind and incorporating the rule position as per CCS (Pension) Rules and facts of the case.

(c) The reply affidavit/statement to be filed in courts, may be sent to this office with approval of CCA and may be filed by CCAs only after approval of Pension Section, DoT and legal vetting from DoT HQ.

(d) Cases to be sent to DoT Hq immediately on filing. It is found that the cases are being delayed, it is observed that the cases are received in this office just few days before the hearing in the Hon'ble Courts, making it difficult for this office to examine the case properly due to paucity of time.

(e) It is also found that some court cases are totally overlooked and not attended by CCA offices, resulting in Contempt.

(f) In some instances, direct Contempt Petitions are forwarded to DoT without details of court cases/court orders and without

comments of CCA office.

(g) Orders issued by Hon'ble Courts need to be forwarded to this office along with legal opinion and clear recommendation of the CCA, the Pension Sanction Authority, for its implementation/filing of appeal etc with justification.

(h) CCA office should consult and co-ordinate with BSNL/MTNL in respect of pension cases of BSNL/MTNL optees, especially while dealing with important court cases related to policy matters.

(i) Proper and timely coordination with CGSC in the matter related to filing reply /update of hearing date.

(j) CCA offices should also monitor and update LIMBS regularly. Quarterly Report of the status of the Court Cases concerning each CCA to be intimated to DoT Hq timely.

(k) Timely Submission of Quarterly Report/details of the status of the Court Cases(Pension Cases only) concerning each CCA to be intimated to Pension Section of DoT Hq.

(l) DoT (Legal Cell &PG Wing) vide letter dated 22.02.2023 had circulated DO letter No J-112012/2/2023 Judicial dated 02.02.2023 from Deptt of Legal Affairs (attached) prescribing timelines for filing SLPs, Appeal, Review, Reply /Counter Affidavits e.t.c before various courts. A copy of same is enclosed for strict compliance.

3. As per Rules 65 of CCS(Pension) Rules 2021 interest is payable on delayed payments of pension/gratuity/family pension etc. The powers to sanction interest on delayed pension payments lies with Secretary(T). CCAs are requested to expedite the cases so that interest burden on GoI is reduced. All cases that warrants interest payment due to delay in payment may be sent to this office with full details and justification with the approval of CCA so that approval of the competent authority could be taken.

4. Further, it is also observed that a large number of cases are pending with different CCA offices for issue of verification of qualifying service certificates in terms of Rule 30 of CCS(Pension) Rules 2021. CCAs are requested to speed up the process for issue of such certificates for ensuring timely settlement of pension cases and less litigation.

5. The mails/letters related to court cases need to be e-mailed on following ID's of the Pension Section:-

I/3095127/2023

raj.kumar73@gov.in, Dir (Estt-II):
usstp2021-dot@gov.in, US (STP):
madhu.mankotia@nic.in, SO (Pension):
gupta.suresh@govcontractor.in , Consultant

Encls : As above

L. Holan
(Leena George)
Under Secretary (STP)
Tel.No.:011-2303 6213

To

1. The Pr. CCA/Concerned CCAs
- ✓ 2. CGCA, Ghitorni, New Delhi -110047
3. Director (Account-1) DoT.