



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्

अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

स्पीड पोस्ट/दस्ती

7 सितम्बर, 2009

संख्या
No. 15-6(82)/98-ओ एंड एम -II

प्रेषक

From

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

To

सीएसआईआर की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक/प्रधान
The Directors/Heads of all National Labs./Instts. of CSIR

Sub: Withdrawal/withholding/recovery of pension/gratuity in the case of minor penalty proceedings.

महोदय,

मैं आपकी सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु उपरोक्त विषय पर भारत सरकार, कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय (कर्मिक और प्रशिक्षण विभाग) द्वारा दिनांक 13 अप्रैल, 2009 के कार्यालय ज्ञापन सं. 110/9/2003-AVD-I को अग्रेषित कर रही हूँ। कृपया इसकी प्रति सभी सम्बन्धित अधिकारियों को प्रदान की जाए।

I am to forward herewith a copy of the Office Memorandum No. 110/9/2003-AVD-I of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) dated 13th April, 2009 on the subject cited above for your information, guidance and necessary action, with a request that the copies of the same may kindly be provided to all concerned.

भवदीय,

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7/9/09
(अंजलि तिवारी)

मुख्य सतर्कता अधिकारी

संलग्न : यथोपरि

प्रतिलिपि :

1. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के वरिष्ठ प्रशा. नियंत्रक /प्रशा. नियंत्रक/प्रशा. अधिकारी
2. अवर सचिव (के. कार्यालय)
3. उप सचिव (प्र. प्रशासन) *4-09*
4. वरिष्ठ उप सचिव, सीएसआईआर कॉम्प्लैक्स
5. श्री ए. वाहिद, वैज्ञानिक, सूचना प्रौ. प्रभाग, सीएसआईआर वेबसाइट पर प्रसारित करने हेतु
6. कार्यालय प्रति

Immediate

No.110/9/2003- AVD-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi Dated the 13th April, 2009

Office Memorandum

Subject: Withdrawal/withholding/recovery of pension/gratuity in the case of minor penalty proceedings.

The undersigned is directed to refer to this Department's OM no 134/9/86-AVD-I dated 31st July 1987 wherein it was clarified that the Central Government has the power to withhold or withdraw pension even as a result of minor penalty proceedings instituted against a charged officer during his service and which had continued after his retirement provided grave misconduct or negligence is established. The underlying basis for this OM was that there 'can be circumstances wherein proceedings initiated for minor penalty could result in establishment of grave misconduct or negligence on conclusion of the proceedings warranting a cut or withholding of pension or recovery of pecuniary loss. The OM of 31st July 1987 was issued in cancellation of the earlier OM no 134/10/80 -AVD-I dated 28th Feb 1981 which interalia, stated that 'grave misconduct or negligence' cannot be established as a result of minor penalty proceedings.

2. The OM of 31.7.1987 came for scrutiny before the Central Administrative Tribunal (CAT), Principal Bench, Delhi in OA no 2068 of 2002 (R.S Sagar, NOIDA,UP Vs Union of India), pertaining to the Ministry of Urban Development and Poverty Alleviation. The Hon'ble Tribunal was considering an application against the order of withholding of gratuity of a charged officer who had retired from service. The Tribunal, while considering the said case set aside the said OM of 31st July 1987 of this Department holding it ultra vires the CCS(Pension) Rules 1972. The ratio of the decision in this OA was applied to OA no 112 of 2003 (I.K Rastogi Vs Union of India) by Principal Bench, Delhi. This Department was neither a party nor impleaded in the said OAs at any stage.

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3. The implication of the judgement of Hon'ble CAT on this Division's O.M. of 31.7.87 was considered in consultation with Department of Pension & Pensioners' Welfare and Department of Legal Affairs and it was noted that the matter has attained legal finality.

4. In view of the above and in the light of said order of Hon'ble CAT Principal Bench setting aside the OM of 31st July 1987 this Department's OM no 134/10/80 AVD-I dated 28th Feb 1981 stands restored and the OM of 31st July 1987 stands withdrawn.

Hindi version will follow.


(P.K Ravi)

Under Secretary to the Government of India

To
All Ministries /Departments
(As per list attached)

No. 110/9/2003-AVD-I

Dated the 13th April, 2009

Copy forwarded to:-

1. The Secretary, Central Vigilance Commission, Satarkta Bhawan, INA, GPO Complex, Lodhi Road, New Delhi.
2. The Secretary, Union Public Service Commission, Shahajahan Road, Dholpur House, New Delhi.
3. All Sections/Desk of DOPT.