

DP/Medical College

No.65/1/42-FII(12)-2013/
Chandigarh Administration
Finance Department

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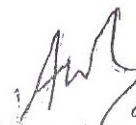
Chandigarh, dated the 12.11.13

To

All Head of Departments,
Chandigarh Administration.

Subject:- Counting of service of employees/retired employees of State Autonomous Bodies / Boards / Corporations / Universities etc. for the purpose of pension and pensioner benefits in Government Departments.

Enclosed please find herewith a copy of letter No. 4/90/2010-1FPPC/1223 dated 16.09.2013 received from the Government of Punjab, Department of Finance (Finance Pension Policy and Coordination Branch) Chandigarh, for information and necessary action.


8/11/13
Superintendent Finance-II
for Finance Secretary,
Chandigarh Administration.

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH

(Hospital Building), Sector 32-B, Chandigarh-160030 (Ph: 0172-2665253-59, Fax: 0172-2609360)

(ESTABLISHMENT BRANCH-IV)

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Endst. No. GMCH-E-IV-EA-1(24/3)-2013/

Dated, Chandigarh the,

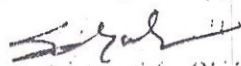
A copy is forwarded to the Computer Programmer with a request to "circulate" the same among the all HODs/Br. Incharge of this Institute and also to "e-mail" the same to the following for information & necessary action at their end:

1. The Deputy Controller (F&A), GMCH-32, Chandigarh.
2. The Office Superintendents (Est.I,II,III, HA-I & II), GMCH-32, Chandigarh.
3. PA to DP/ADA/MS for kind information of the DP/ADA/MS.

No. No. 4/90/2010-1FPPC/1224 Dated, Chandigarh, the September 16th, 2013

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

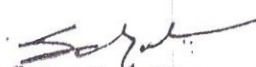
- (i) The Chief Secretary to Government Punjab, Chandigarh.
- (ii) All the Financial Commissioners and the Principal, Secretaries to Government of Punjab
- (iii) All the Administrative Secretaries to the Government of Punjab.
- (iv) The Advocate General, Punjab, Chandigarh.
- (v) Resident Financial Commissioner,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


Joint Secretary Finance

Endst.No. No. 4/90/2010-1FPPC/1225 Dated, Chandigarh, the September 16th, 2013

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

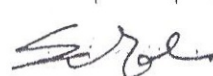
- i) The Accountant General (Audit), Punjab, Chandigarh,
- ii) The Accountant General (A&E), Punjab, Chandigarh


Joint Secretary Finance

Endst.No. No. 4/90/2010-1FPPC/1226 Dated, Chandigarh, the September 16th, 2013

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

1. The Secretary to Government of Himachal Pradesh, Finance Department, Shimla.
2. The Secretary Government of Haryana, Finance Department, Chandigarh.
- ✓ 3. The Finance Secretary, Chandigarh Administration (U.T.) Chandigarh.
4. Additional Director, Internal Audit Organization (R), Sector 22D, Chandigarh.
5. Examiner Local Fund Accounts, Punjab, Chandigarh.
6. All the Deputy Controllers (Finance and Account), IAO(R), Punjab, Chandigarh.
7. All the District Treasury Officers/Treasury Officers/ in the State for information and necessary action.
8. The President, Punjab State Accounts Services Association (Registered) Sector 22-D, Chandigarh.


Joint Secretary Finance

No.4/90/2010-IFPPC/1222
Government of Punjab
Department of Finance
(Finance Pension Policy & coordination Branch).

Dated, Chandigarh, the September 6th 2013

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.

3/89
Dated 01/10/13

Sub: Counting of service of employees/retired employees of State Autonomous Bodies/ Boards/ Corporations/Universities etc. for the purpose of pension and pensionary benefits in Government Departments.

Sir/Madam,

I have been directed to refer to the subject cited above and to say that in a Civil Writ Petition No. 9251 of 2002 filed by Sh. S.C.Chadha, ex-employee of PUNTEX, who was absorbed in the Government Department, the Hon'ble Punjab and Haryana High Court allowed counting of PUNTEX service for the purpose of pension and pensionary benefits. This matter went up to Hon'ble Supreme Court of India in SLP No. 23807 of 2009, where the High Court order was upheld. The decision was qua the parties and the verdict in this case was on the basis of facts which were peculiar to the case.

2. However, on the basis of this decision, various departments have referred cases to the Finance Department for allowing them to count such type of service in respect of certain employees of their departments. As such, the matter was under active consideration of the Government.

3. The matter has been examined minutely in view of the judgement. A detailed scrutiny of the order reveals that it is a judgement in personam and not judgement in rem. It relates to an employee of PUNTEX only and the Hon'ble High Court while passing orders have relied upon an undertaking given by the Finance Department in the case of employees of PUNTEX. As such, the order cannot be generalized for all such cases. Further, as per provisions of Rule 3.12 of CSR Vol. II, the service of a Government employee does not qualify for pension unless it confirms three conditions given there under.

4. In view of this position, it is clear that those employees of Punjab Government who have served under PSUs, their previous service, rendered in the PSUs, is not countable for the purpose of pension/pensionary benefits payable by the Government. The decision in the SC Chadha's case in view of the peculiar circumstances of the case is not applicable in general. Accordingly, it is reiterated that the cases may be dealt-with strictly in view of the position explained above and whenever such case is presented in courts, defense on the plea of above quoted position may be taken in consultation with the Department of Finance to safeguard the interest of the Government.

Punjabi version of these instructions will follow.

Joint Secretary Finance