

Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
Central Water Commission

03rd Floor (South), Sewa Bhawan,
R. K. Puram, New Delhi-110066
Dated the 20/02/2024

Subject: Major issues encountered in disposal of Pension Cases and suggested Action Points.

The undersigned is to refer to the subject cited above and to say that keeping in view of frequent observations raised by PAO in pension cases, a list has been prepared with issues related to pension cases along with the suggested action points and responsibility. The above said list of encountered issued along with the enclosures is hereby forwarded for information and strict compliance.

This issues with the approval of Chief Engineer (HRM), CWC.

Enclosures: As above.

Signed by Shekharendu Jha

Date: 20-02-2024 11:29:44

Reason: Approved

(Shekharendu Jha)
Director (E.1)

To

1. All Establishment Sections of CWC (HQ).
2. All the Superintending Engineers (Coordination) of CWC (Field)
3. All the Executive Engineers of CWC (Field)

Copy to:

1. Deputy Controller of Accounts, Pr. PAO, DoWR, RD & GR, Shashtri Bhawan, New Delhi-110001
2. Sr. Accounts Officer (Pension), PAO, CWC, Sewa Bhawan, R. K. Puram, New Delhi-110066

MAJOR ISSUES ENCOUNTERED IN DISPOSAL OF PENSION CASES AND ACTION POINTS SUGGESTED

S No	ISSUE	SUGGESTED ACTION	RESPONSIBILITY
1	Mismatch in the name of the retiree and his/her spouse in various documents	<p>Name, DoB of the employee and spouse in PAN Card, Salary / Pension Bank Account should match with that in the Service Book. Aadhar Card is voluntary but if it is furnished then the names and DoB in it should also match with entry in Service Book</p> <p>Modifying / changing the name in the service book should be avoided. In case it is the only option then the procedure should be followed as laid down in DoPT OM No. 19016/1/87-Estt (A) dated 12/03/1987.</p>	<p>HOO may carry out this exercise before 18 months of retirement.</p> <p>SE (C) / Dir (Estt) may review this at regular interval as decided by him/her.</p>
2	Delay in pension cases due to non-verification of service book at stipulated interval.	<p>As per Sub-rule (1) of Rule-30 of the Central Civil Services (Pension) Rules, 2021, <i>“the Head of Office in consultation with Pay & Accounts Office, shall, in accordance with the rules for the time being in force, verify the service of the Government servant, who have completed 18 years of service and again on his being left with five years of service before the date of superannuation and communicate to him/her, in Format-4”</i></p>	<p>Action to be taken by HOO and reviewed by SE (C) / Dir (Estt).</p> <p>Slippage in this regard, if any, may be monitored by concerned CE and remedial action taken.</p>
3	Modification in existing pay scale due to fixation mistakes in	<p>As per the DoPT OM No. 1810312015-Estt (Pay-I) dated 03/10/2022, <i>“Pay fixation orders issued due to grant of MACP/ACP/financial up gradation/ increment</i></p>	<p>Action to be taken by HOO and reviewed by SE (C)</p>

	the past.	<i>promotion etc. may necessarily be audited by the internal audit and/or the Pay & Accounts Office concerned within 3 months of issuing such orders"</i>	/ Dir (Estt). Slippage in this regard, if any, may be monitored by concerned CE and remedial action taken.
4	Service cannot be verified due to non-receipt of Leave Salary Pension contribution (LSPC) of those employees who have been on deputation.	The HOO of the parent department, from where the employee has proceeded on deputation, may keep track of the LSPC being paid by the borrowing organization annually within stipulated time. All deputation does not require submission of LSPC (eg CSS). The clause of LSPC is generally included in the agreement between borrowing and lending organization for deputation. The employee too is advised to keep checking the same with the borrowing organization. On his repatriation, the HOO may ensure that the PAO issues a certificate of full recovery of LSPC. The certificate has to be pasted in the service book.	Action to be taken by HOO and Employee. To be reviewed by SE (C) / Dir (Estt).
5	Pension delayed due to delayed submission of pension form by the employee	In case the forms are not submitted by the employee 8 months prior to retirement, then the HOO may report it to SE (C) / Dir (Estt). If the forms are still not submitted within 7 months of retirement, then SE (C) / Dir (Estt) may report to Chief Engineer for comprehensive review and remedial action on the	Action mentioned in col 2

		matter.	
6	Forms, Calculation Sheet & Service Book not sent to PAO before 4 months of retirement	<p>As communicated vide Minutes of the meeting held under the Chairmanship of the Chief Engineer, HRM, on 20/09/2023 to review the pending pension cases.</p> <p>In order to bring this institutional level correction it is decided that:</p> <p>(i) In case of delays, the concerned Ex-Engg shall be called for explanation by the concerned CE.</p> <p>(ii) Intimation is to be given by the concerned CE to CE (HRM), citing reasons for delay and action taken in this regard.</p>	Action mentioned in col 2
7	Miscellaneous issues	<p>i. The HOO may advise the employee to open a Joint Account with spouse (to be operated either by "Former or Survivor" or "Either or Survivor" basis). This would eliminate lot of paper work in future for family pension.</p> <p>ii. Form 3 (Now Form 4) should include all the family members whether they are eligible for pension or not.</p> <p>iii. Where cases have been pending for long in PAO, the reminders may be sent to Dy Controller of Accounts / Controller of Accounts by SE (C) / Dir (Estt)</p>	Action mentioned in col 2

MINUTES OF THE MEETING HELD UNDER THE CHAIRMANSHIP OF THE CHIEF ENGINEER, HRM, ON 20/09/2023 TO REVIEW THE PENDING PENSION CASES

A meeting was held under the chairmanship of the Chief Engineer, HRM, on 20/09/2023 at 11.00 AM through video conferencing, with all the field office Chief Engineers, Superintending Engineers and Executive Engineers of CWC to review the pending pension cases.

At the outset, the Chief Engineer, HRM welcomed all the participants in the meeting. He emphasised on the need to minimise the number of pending pension cases. The urgent requirement of system-wide correction in processing pending pension case by CWC field offices was discussed. In this regard, a presentation was made by Shri Shekharendu Jha, Director (Establishment-1). The copy of presentation is at attached. The important points / decisions are summarized as under.

1. All existing anomalies in Bhavisya portal has to be corrected with utmost priority. The corrections are essentially related to the following:
 - a. Deletion- The entries of all inelligible cases (e.g. NPS, Service less than 10 years, Duplicate name entry, Dismissal from service etc) shall be removed from the portal by needful action as discussed in the meeting.
 - b. Closure – Cases where the PPO has been issued in offline mode shall be converted to online mode by the respective Executive Engineers. The procedure had been indicated in the meeting.
2. A nodal officer (at the level of SE/Dir) is to be identified by each Chief Engineer so as to act as 'single point of contact' for inquiry / coordination with CWC HQ on all matters concerning pension. The name of the nodal officer is to be intimated to Dir (Estt –I) in a day's time.
3. In the meetings chaired by Secretary, WR, it has been repeatedly underlined that pension cases shall be submitted to PAO at least four-months before retirement.
In order to bring this institutional level correction it is decided that:
 - (i) In case of delays, the concerned Ex-Engg shall be called for explanation by the concerned CE.
 - (ii) Intimation is to be given by the concerned CE to CE (HRM), citing reasons for delay and action taken in this regard.
4. An excel sheet has been shared with the nodal officers seeking the status of the entire pending cases from time to time to track the progress.
5. In case of policy related issues, (e.g. regularization of leave during temporary status of work charge employees, refund of NPS amount etc) the

field offices should communicate only with the concerned establishment section and not directly with the PAO.

6. Copies of communication with PAO may be sent to the E-IV section only through emails and not in hard copies.
7. The divisions may send any revised/additional information through email preferably as reply to the previous email so that all the trailing emails may be easily accessed.

No. 19016/1/87-Estt(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi – 1, dated the 12th March, 1987.

OFFICE MEMORANDUM

Subject: Change of name by Government employees – Procedure for.

The Ministry of Home Affairs O.M. No. 60/274-48/Estts. Dated 3rd November, 1948 as amended vide O.M. No. 87/52-Estts., dated 24th March, 1952 lays down the procedure for a change of name by Government employees. The Government recently had the occasion to review these instructions in the light of experience in certain cases. It was found that the instructions are incomplete in so far as they do not cover certain situations. It has, therefore, been decided to adopt the following procedure in supersession of all previous orders on the subject:

I – All cases of addition / deletion or change in name / surname;

- (i) A Government employee wishing to adopt a new name or to effect any modification in his / her existing name may do so, formally by a deed changing his / her name. The sample deed form is enclosed.
- (ii) The execution of the deed should be followed by publication of the change in a prominent local newspaper as well as in the Gazette of India at the Government employee's own expense.

II - Addition / change in surname only, on account of marriage/ remarriage of a female Government employee.

The following requirements may be met for this purpose:

- (i) If the Government employee desires a change she should give a formal intimation to her appointing authority of her marriage and request for a change in her surname.
- (ii) Particulars of the husband may be given for making necessary entries in the Service Book.

...2/-

III - Deletion of surname or reversion to maiden name on divorce / separation or death of the husband of female Government employee.

Change may be permitted if a female Government employee gives:

- (i) an intimation to the appointing authority regarding change in marital status; and
- (ii) a formal request for reversion to her maiden name.

Note: - There is no prescribed form for items II & III.

2. Ministry of Agriculture etc. are requested to bring these instructions to the notice of all administrative authorities under their control for information and compliance.

Sd/-
(A. Jayaraman)
Director (E)

To

All Ministries / Departments of the Government of India with usual number of spare copies.

No. 19016/1/87-Estt.(A) Dated the 12th March, 1987.

Copy forwarded for information and necessary action to:-

1. Comptroller & Auditor General of India, New Delhi.
2. U.P.S.C., New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. Commissioner for Linguistic Minorities, Allahabad.
6. All Union Territory Administrations.
7. All Zonal Councils.
8. Lok Sabha / Rajya Sabha Secretariat, New Delhi.

...3/-

9. All attached and Subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.

10. All Sections of the Ministry of Personnel, Public Grievances and Pensions and the Ministry of Home Affairs.

Sd/-
(A. Jayaraman)
Director (E)

**DEED FOR CENTRAL GOVT. EMPLOYEE FOR
CHANGE OF NAME/SURNAME**

BY THIS DEED I the undersigned.....lately
called.....employed as
(Former name)
.....
(Designation of the post held at the time by the Govt. servant)
.....
at.....
(Place where employed in the Ministry/Department of the Govt. of India)

do hereby:-

1. Wholly renounce, relinquish and abandon on the use of my former name ofand in place thereof do assume from the date there of the name ofand so that I may hereafter be called, known and distinguished not by my former name ofbut by my assumed name of.....
2. For the purpose of evidencing such my determination, declare that I shall at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions private as well as public and upon all occasions whatsoever use and sign the name of.....as my name in place of and in substitution for my former name of.....
3. Expressly authorities and request all persons at all times hereafter to designate and address me by such assumed name of.....
4. In witness whereof I have here unto subscribed my former and adopted name of.....andaffixed my seal this.....day of.....

Old Signature.....
New Signature.....

Signed and delivered by the above
named.....
formerly.....in the presence of :-

Witness No. - 1

Signature.....
Name.....
Designation.....
Official Address.....
(With Rubber stamp)

Witness No. - 2

Signature.....
Name.....
Designation.....
Official Address.....
(With Rubber stamp)

No. 18/03/2015-Estt (Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 3 October, 2022

OFFICE MEMORANDUM

Subject: Recovery of wrongful/excess payments made to Government Servants.

The undersigned is directed to invite attention to the D/o Personnel & Training (DoPT)'s OM No 18/03/2015-Estt (Pay-I) dated 02.03.2016 on the subject mentioned above (copy enclosed).

2. Recently, the Hon'ble Central Administrative Tribunal (CAT), Lucknow Bench, while hearing the OA No. 302/2022 (Atul Chandra Srivastava Vs UoI & Ors.) and OA No. 303/2022 (Mohammad Irshad Vs UoI & Ors.) has passed an interim Order dated 20.07.2022 expressing concern over the mistakes/clerical faults on the part of Ministries / Departments / Offices leading to incorrect fixation of pay etc., which result in excess payments being made to the Government Servants.

3. The Hon'ble Tribunal in its Order dated 20.07.2022 referred to the judgment dated 18.12.2014 of the Hon'ble Supreme Court in CA No. 11527 of 2017 (arising out of SLP C No.11684 of 2012) State of Punjab & Ors Vs Rafiq Masih (White Washer) etc. and instructions issued vide DoPT's OM no 18/03/2015-Estt.(Pay-I) dated 02.03.2016 in light thereof. In its judgment, the Hon'ble Supreme Court identified five situations wherein recovery of excess payment made would be impermissible in Law. One of the situations where recovery of excess payment has been decided to be impermissible relates to the employees belonging to Class-III and Class-IV Service (or Group 'C' and Group 'D' Services). The Hon'ble Tribunal has noted that the applicants in both the cases under consideration are Group 'C' employees and the law in this regard has already been laid down in the judgement dated 18.12.2014 of the Hon'ble Supreme Court and subsequent instructions issued vide DoPT's OM dated 02.03.2016.

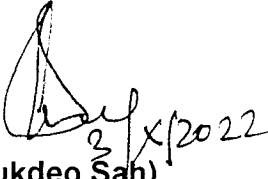
4. In this context, it is observed that the time taken by the Ministries/Departments/Offices to discover mistakes/clerical faults in pay fixation of their employees is highly avoidable. The situation of overpayments occurs on account of erroneous calculation of payments due to an employee. If not detected in time, amount becoming due for recovery due to these excess payments keep accruing. In many cases, these overpayments come to notice of the administrative authority at a very late stage resulting in substantial amounts becoming due for recovery. However, in the wake of the

Order dated 18.12.2014 of the Hon'ble Supreme Court referred above, these recoveries are to be considered for waiver in the types of cases identified therein. As a result, the administrative authorities concerned are compelled to explore other alternatives available to recover the amount involved or seek approval of the D/o Expenditure to waive off the same in accordance with the procedure prescribed in this Department's OM dated 02.03.2016 read with the instructions contained in DoPT's OM No 18/26/2011-Estt (Pay-I) dated 06.02.2014.

5. The matter has been examined in consultation with the D/o Expenditure. It is advised that –

- i. Ministries / Departments / Offices may exercise extreme caution and take suitable measures while handling pay fixation of their employees as also in other cases involving payments so as to ensure that such lapses/mistakes do not occur;
- ii. Pay fixation orders issued due to grant of MACP/ACP/financial upgradation/increment/ promotion etc. may necessarily be audited by the internal audit and/or the Pay & Accounts Office concerned within 3 months of issuing such orders; and
- iii. In cases where the employee is due to retire within next 4 years, audit of previous pay fixation orders shall be done on priority.

6. Hindi Version will follow.


(Shukdeo Sah)

Under Secretary to the Government of India
Tel. No.011-23090489

To

All Ministries/Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts/ Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Vice-President's Sectt./ Prime Minister Office/ Niti Aayog.
5. Government of all States and Union Territories
6. Department of Personnel and Training (AIS Division)/ JCA/ Admn. Section
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz shah Road, New Delhi.

8. All Members of Staff Side of the National Council of JCM/ Department Council.
9. All Officers/ Sections of Department of Personnel and Training/ Department of Administrative Reforms & Public Grievances/ Department of Pensions & Pensioners' Welfare/ PESB.
10. Joint Secretary (Pers.), Department of Expenditure, Ministry of Finance
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. NIC, DOPT – with request to upload this O.M. on the Department's website under OMs & Orders (Establishment—Pay Rules) and also under "What is New".
13. Hindi Section, DoPT for Hindi Translation.

F.No.18/03/2015-Estt. (Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 2nd March, 2016

OFFICE MEMORANDUM

Sub: Recovery of wrongful / excess payments made to Government servants.

The undersigned is directed to refer to this Department's OM No.18/26/2011-Estt (Pay-I) dated 6th February, 2014 wherein certain instructions have been issued to deal with the issue of recovery of wrongful / excess payments made to Government servants in view of the law declared by Courts, particularly, in the case of *Chandi Prasad Uniyal And Ors. vs. State of Uttarakhand And Ors.*, 2012 AIR SCW 4742, (2012) 8 SCC 417. Para 3(iv) of the OM *inter-alia* provides that recovery should be made in all cases of overpayment barring few exceptions of extreme hardships.

2. The issue has subsequently come up for consideration before the Hon'ble Supreme Court in the case of *State of Punjab & Ors vs Rafiq Masih (White Washer) etc in CA No.11527 of 2014 (Arising out of SLP(C) No.11684 of 2012)* wherein Hon'ble Court on 18.12.2014 decided a bunch of cases in which monetary benefits were given to employees in excess of their entitlement due to unintentional mistakes committed by the concerned competent authorities, in determining the emoluments payable to them, and the employees were not guilty of furnishing any incorrect information / misrepresentation / fraud, which had led the concerned competent authorities to commit the mistake of making the higher payment to the employees. The employees were as innocent as their employers in the wrongful determination of their inflated emoluments. The Hon'ble Supreme Court in its judgment dated 18th December, 2014 *ibid* has, *inter-alia*, observed as under:

"7. Having examined a number of judgments rendered by this Court, we are of the view, that orders passed by the employer seeking recovery of monetary benefits wrongly extended to employees, can only be interfered with, in cases where such recovery would result in a hardship of a nature, which would far outweigh, the equitable balance of the employer's right to recover. In other words, interference would be called for, only in such cases where, it would be iniquitous to recover the payment made. In order to ascertain the parameters of the above consideration, and the test to be applied, reference needs to be made to situations when this Court exempted employees from such recovery, even in exercise of its jurisdiction under Article 142 of the Constitution of India. Repeated exercise of such power, "for doing complete justice in any cause" would establish that the recovery being effected was iniquitous, and therefore, arbitrary. And accordingly, the interference at the hands of this Court."

"10. In view of the afore-stated constitutional mandate, equity and good conscience, in the matter of livelihood of the people of this country, has to be the

Contd. on pg.2

basis of all governmental actions. An action of the State, ordering a recovery from an employee, would be in order, so long as it is not rendered iniquitous to the extent, that the action of recovery would be more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer, to recover the amount. Or in other words, till such time as the recovery would have a harsh and arbitrary effect on the employee, it would be permissible in law. Orders passed in given situations repeatedly, even in exercise of the power vested in this Court under Article 142 of the Constitution of India, will disclose the parameters of the realm of an action of recovery (of an excess amount paid to an employee) which would breach the obligations of the State, to citizens of this country, and render the action arbitrary, and therefore, violative of the mandate contained in Article 14 of the Constitution of India."

3. The issue that was required to be adjudicated by the Hon'ble Supreme Court was whether all the private respondents, against whom an order of recovery (of the excess amount) has been made, should be exempted in law, from the reimbursement of the same to the employer. For the applicability of the instant order, and the conclusions recorded by them thereafter, the ingredients depicted in paras 2&3 of the judgment are essentially indispensable.

4. The Hon'ble Supreme Court while observing that it is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement has summarized the following few situations, wherein recoveries by the employers would be impermissible in law:-

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*

5. The matter has, consequently, been examined in consultation with the Department of Expenditure and the Department of Legal Affairs. The Ministries / Departments are advised to deal with the issue of wrongful / excess payments made to Government servants in accordance with above decision of the Hon'ble Supreme Court in *CA No.11527 of 2014 (arising out of SLP (C) No.11684 of 2012) in State of Punjab and others etc vs Rafiq Masih (White Washer) etc.* However, wherever the waiver of recovery in the above-mentioned situations is considered, the same may be allowed with the

express approval of Department of Expenditure in terms of this Department's OM No.18/26/2011-Estt (Pay-I) dated 6th February, 2014.

6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued with the concurrence of the Comptroller and Auditor General of India.

7. Hindi version will follow.



(A.K. Jain)

Deputy Secretary to the Government of India

1. All Ministries / Departments of Government of India
- ✓ 2. NIC, DOP&T – with a request to upload this OM on the Department's website under OMs & Orders (Establishment → Pay Rules) and also under "What is New".

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. / Central Vigilance Commission / President's Sectt. / Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA / Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.