

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

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.

Sir/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 decision dated 22.10.2013 rendered by Hon'ble Punjab & Haryana High Court in CWP No.25733 of 2012 titled as *A.P.Sharma and others v. 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 of 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 relatable only to the 'pay' drawn in the admissible scale of pay at the time 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."

3. 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

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15.12.2011 and circulars issued by Government from time to time but without retrospective effect, namely, only from the date competent authority made it effect w.e.f. 1.12.2011. Their pension is to be accordingly fixed.

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 15.12.2011 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 1.1.2006 retirees are entitled to re-fixation of their pension as per circular dated 15.12.2011 and circulars issued by Government from time to time but without any retrospective effect, namely, only from the date when the competent authority made it effective w.e.f. 1.12.2011 in terms of judgment of Division Bench of this Court in A.P.Sharma's case (supra). Consequently, post retirees who retired between 1.1.2006 and 1.12.2011 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."

The above decision is based on the decision in LPA No. 352 of 2014 titled as State of Punjab & others Vs. A.P. Sharma & others which was decided by the Division Bench of Hon'ble High Court on dated 31.08.2016.

4. The Government of Punjab has already issued instructions vide letter No. 4/13/2013-1FPPC/1010607/1 dated 27.06.2017 for implementation of orders of 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 after 01.01.2006 subject to the condition that revised pension, in no case shall be lower than 50% of the initial pay and family pension in no case shall be lower than 30% of the initial pay of pay scales revised after 01.01.2006 in respect of that post. 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. 3/39/09-3FPPC/201 dated 22.2.2010).

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5. The pensioners/family pensioners, whose pension/family pension is to be revised in terms of orders dated 30.09.2016 in CWP No. 2866 of 2014 of the Hon'ble High Court may make a written request to the respective Pension Disbursing Authority 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&E), Punjab, Chandigarh.

Endst. No. 4/13/2013-1FPPC/ Dated, Chandigarh, the August , 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 Himachal Pradesh, Department of Finance, Shimla;
2. Secretary to Government of Haryana, Department of Finance, Chandigarh;
3. Finance Secretary, Chandigarh Administration (U.T.), Chandigarh;
4. Accountant General, Haryana, Chandigarh;
5. Accountant General, Himachal Pradesh, Shimla;
6. Director, Treasury and Accounts, Punjab;
7. Director, Pensions and Pensioner's Welfare, Punjab, Chandigarh;
8. Director, Public Relations, Punjab, Chandigarh;
9. Additional Director, IAO (R), Sector 17, Chandigarh;

- 10. Deputy Director, Pension, Forest Complex, Sector 68, Mohali;
 - 11. Examiner, Local Fund Accounts, Sector 17, Chandigarh;
 - 12. All District Treasury Officers, Punjab, Chandigarh;
 - 13. Chief Accountant, Reserve Bank of India, Department of Government and Bank Accounts, Central Office C-7, Bandra Kurla Complex, Post Box No. 8143, Bandra, Mumbai;
 - 14. President, Punjab State Accounts Services Association (Regd.), Sector 22D, Chandigarh;
- for information and necessary action.

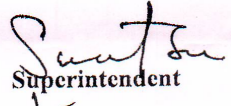
[Signature]
Superintendent

Endst.No. 4/13/2013-1FPPC/1035969/5 Dated, Chandigarh, the August 2, 2017

A copy is forwarded to the:-

1. The General Manager, Operation, Parliament Street, State Bank of India, New Delhi;
2. Development Manager (P&S Banking State Bank of Patiala), H.O., The Mall, Patiala;
3. Regional Manager, Indian Overseas Bank, Showroom Nos. 11-13, Madhya Marg, Sector-7-C, Chandigarh;
4. Regional Manager, Central Bank of India, Regional Office, 427-A Ghumar Mandi Ludhiana;
5. Regional Manager, Central Bank of India, Regional Office, 1, Queens Road, Civil Lines, Amritsar;
6. Regional Manager, State Bank of India, Zonal Office PB Nos 113, 68-69 Bank Square Sector-17, Chandigarh;
7. The Zonal Manager, Bank of India 181-82, Sector 17, Chandigarh;
8. Punjab National Bank, Feroze Gandhi Market, Ludhiana;
9. Regional Manager, Punjab National Bank, Regional Office, Neeland Road, Amritsar;
10. Regional Manager, Punjab National Bank, Regional Office Feroze Gandhi Market, Pakhowal Road, Ludhiana;
11. Regional Manager, Punjab National Bank, Regional Office, Civil Lines, Jalandhar;
12. Regional Manager, Punjab National Bank, Regional Office, Jalandhar Road, Hoshiarpur;
13. Regional Manager, Punjab National Bank, Kapurthala;
14. Zonal Office, Punjab National Bank, Sector 17, Chandigarh;
15. Manager, State Bank of India, Banking operations department, Local Head office, Sector-17, Chandigarh;
16. Zonal Manager, United Commercial Bank, Zonal Office, SCO no. 1092-93, Sector-22 C, Chandigarh;
17. Divisional Manager, United Commercial Bank, Divisional Bank, 1st floor, Bank Square, Sector 17, Chandigarh;
18. Divisional Manager, United Commercial Bank Bldg., 3rd floor, Sector-17, Chandigarh;
19. Divisional Manager, United Commercial Bank, MC Chowk, Jalandhar;
20. Regional Manager, PNB, Dharamshala, HP;
21. Regional Manager, Punjab National Bank, Regional Office, Karnal, Haryana;
22. Regional Manager, Oriental Bank of Commerce, Sector - 17, Chandigarh;
23. The President, Government Pensioners Association, Kothi no. 2786, Sector-22-C, Chandigarh;
24. General Secretary, The President, Punjab Secretariat Services (Retd.) Officers Asso., H.No.222, Sector-44A, Chandigarh.
25. The Secretary, Punjab State Electricity Board, The Mall, Patiala;
26. President, Punjab Government Pensioners Association (Regd.) Ferozepur;
27. Examiner, Local Fund Accounts, Punjab, Chandigarh;
28. Regional Manager, Oriental Bank of Commerce, The Mall, Patiala;
29. Regional Manager, Oriental Bank of Commerce, The Main Road, Jalandhar;
30. Regional Manager, Punjab & Sind Bank, Sector-17, Chandigarh;
31. Manager, Indian Overseas Bank, Regional office, 550/1, College Road, Fountain Chowk, Civil Line Ludhiana;

32. Manager, Central Bank of India, Sector-17, Chandigarh;
33. Regional Manager, Indian Bank, SCO-189-192, Sector-7 C, Chandigarh;
34. J.K Sharma Sanchalok Pensioners Helpline 169/2 Ilcra Mahal Colony Nabha, Distt. Patiala;
35. Registrar Guru Nanak Dev University, Amritsar;
36. President, Pensioners & Senior Citizens Welfare Association, 762, Sec 60, Mohali;
37. President, Pensioners Welfare Association, Room no. 110, D-block, Mini Secretariat, Patiala 147001;
38. President, Retired Teachers & other Pensioners Welfare Association, 259, Kirti Nagar, Ferozepur City;
39. President, Government Pensioners Association, 3018, Sector 28-D, Chandigarh-160018;
40. Principal Secretary, Finance, Utrakhand-4, Subash Road, Secretariat, Dehradun-248001;
41. Accountant General, Utrakhand, Oberoi Motor Building, Sharanpur Road, Majra, Dehradun-248171;
42. General Manager, Punjab National Bank, Transaction Banking Division, Rajindra Bhawan, Rajindra Place, New Delhi;
43. President, Pensioners Association (Regd.), Kothi no. 820, Phase 7, Mohali;
44. Uco Bank Head office, Finance Department 2 India Exchange Place 3rd Floor, Kolkatta - 700001;
45. Accountant General, (A&E), Allahabad, Uttar Pradesh;
46. General Secretary, Govt. Pensioners Association (Regd.) 1618, Sector 15, Panchkula;
47. Asst. General Manager, State Bank of India, C.P.P.C. 2nd Floor, Sector 5, Panchkula;
48. President, Punjab Irrigation, Retired Engineers Welfare Association, SCO 212, Sector 36D, Chandigarh;
49. President, Punjab State Pensioners Mahasangh, WNo. 3, Samrala;
50. President, Punjab Pensioners Welfare Association (Regd.), Distt. Hoshiarpur, H.O. R.No. 19, Mini Secretariat, Hoshiarpur;


Superintendent