

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Pension – Payment of Pensionary benefits to the Government Servants retired from service pending disciplinary action – Action against the retired persons for their lapses – Consolidated – Orders – Issued.

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**Finance and Planning (FE. Pen.I) Dept.**

**G.O. Rt. No. 1097**

**Dated: 22-06-2000  
Read the following**

1. Memo No. 37254/361/A2/Pen.I/98, Dt.4-7-1998 of the Finance and Planning (FW. Pen.I) Dept.
2. Memo No. 3026/18/A2/Pen.I/99 dated 1-6-1999 of Finance and Planning (FW. Pen.I) Dept.
3. Cir. Memo No.37989-A/494/A2/Pen.I/98 Dated 21-04-1999 of Finance and Planning (FW. Pen.I) Dept.
4. G.O. Ms. No. 11, F&P (FW.FR1) Dept. Dt.15-01-1997
5. D.O. Lr.No. 368/VC.A2/99 Dt. 17-02-2000 of Vigilance Commissioner, A.P. Hyderabad.

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**ORDER :**

The Vigilance Commissioner in the reference 5<sup>th</sup> read above, has stated that reference are being made to that Commission by the departments of secretariat wanting to know the terminal benefits that can be sanctioned and those that are necessary to be with held on retirement of an Officer facing charges in departmental proceedings or criminal prosecution. Hence he has requested to issue consolidated instructions indicating the terminal benefits that can be released and those that are to be withheld in the above referred cases, so that a lot of unnecessary file work, litigation in Courts and harassment of retired Officers can be prevented. Accordingly, the following orders are hereby issued.

2. According to the existing rules, the following are the terminal benefits to be sanctioned to a retired Government employee.

1. Family Benefit Fund
2. Andhra Pradesh Group Insurance Amount
3. General Provident Fund amount
4. Andhra Pradesh Government Life Insurance amount
5. Encashment of Earned Leave
6. Retirement Gratuity
7. Pension / Provisional Pension
8. Commuted Value of Pension

3. In case of Government Employees against whom the departmental proceedings or criminal proceedings are pending at the time of retirement, all the above terminal benefits need not be released. Proceedings pending means, there must be proceedings already initiated and pending within the meaning of rule 9 of the Andhra Pradesh Revised pension Rules, 1980. a Government servant who attains the age of superannuation while under suspension should be allowed to retire on the due date of superannuation. But pensionary benefits can not be settled until the conclusion of the enquiry or disposal of charges. In such cases, the payment of terminal

benefits shall be regulated as follows.

**A.** The following amounts shall be paid to the retired employee since no recoveries can be made from these amounts :

1. Family Benefit Fund
2. Andhra Pradesh Group Insurance Scheme
3. General Provident Fund
4. Andhra Pradesh Government Life Insurance

**B Encashment of Earned Leave :** As per the orders issued in G.O. 4th read above, the authority competent to grant leave, in the above mentioned cases may withhold whole or part of cash equivalent of earned leave, if in the view of the competent authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion, the retired employee will become eligible to the amount so withheld after adjustment of the Government dues, if any. As such, Encashment of Earned Leave can be regulated accordingly.

**C. Retirement Gratuity :** According to clause (C ) of sub-rule (1) of rule 52 of the Andhra Pradesh Revised Pension Rules, 1980, on Gratuity shall be paid until the conclusion of the departmental or judicial proceedings and issue of final orders. According to the proviso to the above said rule, where departmental proceedings have been instituted under rule 9 of the Andhra Pradesh Civil Services ( Classification, Control and Appeal ) Rules, 1991, for imposing any of the penalties specified in clauses (i), (ii) and (iv) of rule 9 of the said rules, except the cases falling under sub-rule (2) of rule 22 of the said rules, the Government Servant. It is also further provided in the said rule that where a conclusion has been reached that a portion of pension only should be withheld or withdrawn and the retirement gratuity remains unaffected in the contemplated final orders, the retirement gratuity can be released up to 80% of the eligible retirement gratuity.

**D. Provisional Pension :** As per Sub-rule (4) of rule 9 of the Andhra Pradesh Revised Pension Rules, 1980, the retired employees mentioned in the above cases shall be sanctioned provisional pension as provided in rule 52 of the said rules. According to rule 52 of the said rules, the Audit Officer / Head of Office shall pay the provisional Pension not exceeding the eligible pension. The provisional pension shall be paid from the date of retirement to the date on which, final orders are passed by the competent authority on conclusion of the departmental or Judicial proceedings pending against the retired employee. The Provisional pension shall not be less than 75% of the normal pension entitlement.

2. Pension sanctioning authorities are competent to sanction provisional pension to the Non Gazetted Officers. It shall be sanctioned by the Government in the case of Gazetted Officers.

3. In the above mentioned cases, the department shall send pension papers to the Accountant General and it should be mentioned in the forwarding letter that departmental / judicial proceedings are pending and with a request to indicate only the quantum of pension that would be admissible which should not be released till further orders as only provisional pension

has to be released. The Accountant General may then verify the pensionary benefits admissible and indicate the quantum of pension, where upon the Head of the Department may intimate the quantum of Provisional pension for payment in case of Gazetted Officers, so that Government will sanction the same. The Accountant General, A.P. Hyderabad, will straight way authorize the minimum provisional pension i.e., 75% of the quantum of pension verified by his office, pending sanction by the pension sanctioning authority and that if the appropriate authority sanctions more than 75% of the eligible pension as provisional pension,. The accountant General will issue an amendment accordingly.

**E. Commuted Value of Pension :** No Commutation of pension shall be allowed in the above mentioned cases since sub rule 3 of the rule 3 of the Andhra Pradesh Commutation rules, do not permit a Govt. Servant against whom judicial or departmental proceedings has been instituted or pending, to commute any part of his pension during the pendency of such proceedings. Further, in the case of those to whom only provisional pension is granted, if after conclusion, entire pension is withheld, the question of commutation does not arise. In the case of others to whom pension was allowed either in full or in part, the period of one year for commutation without medical examination has to be reckoned from the date of issue of orders on conclusion of the proceedings.

4. Action against a retired officer who commits irregularities can be taken on three counts : 1) Criminal Prosecution, 2) Disciplinary action, 3) Recovery of the amount.

In case of the death of the retired officer, action on first two counts will abate but as per the orders issued in the G.O. Ms. No.85, Finance and Planning (FW. Pen.I) Department dated.12-07-1999, the loss or mis-appropriated amounts can be recovered from the terminal benefits of the retired officer.

5. If any irregularity of a retired employee is noticed after his retirement and no departmental proceedings can be instituted under sub-rule (2)(b) of rule9 of Andhra Pradesh Revised Pension Rules, 1980, the department can initiate criminal action against the retired officer or action under the Andhra Pradesh Revenue Recovery act, 1964 to recover the loss if any caused to the Government by him.

6. All the departments of Secretariat and Pension sanctioning authorities are requested to take action accordingly and finalize the cases as quickly as possible.

( by Order and in the name of the Governor of Andhra Pradesh)

**S.P.K. Naidu**  
**Principal Secretary to Govt. (F.P)**