

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PENSION – Administrative Reforms – Amendment to Andhra Pradesh Revised Pension Rules 1980 – Recovery of Government dues from the pensionary benefits – Orders – Issued.

FINANCE AND PLANNING (FIN. WING-Pen.I) DEPARTMENT

G.O.Ms.No.85

Dated:12-07-1999

Read the following:-

1. G.O.Ms.No.433 Fin. & Plg. (Fin Wing. Pen.-I) Dept., Dt.22-12-1971.
2. From the A.G., A.P. PM/I/I(23)/98-99/38, Dt.28-07-1998.

@@@

ORDER:

Under Section 12 of the Pension Act, 1871 all assignments, agreements, orders sales and securities of any kind made by the person entitled to any pension, pay or allowances mentioned in Section 11 of the said Act including consent for recovery made by a pensioner in respect of any money not payable at or before making thereof on account of any such pension or for giving or assigning any further interest therein, are null and void. In the G.O. read above, it has been clarified that any agreement by Pensioner for deduction from the sums of Pensions which had already fallen due on the date of the agreement is of no effect. Deductions can however be made only from sums as have fallen due on the date of any agreement.

2. According to Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 the State Government themselves reserves the right of withholding or withdrawing the pension or gratuity or both and order recovery from the pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if in any Departmental or Judicial Proceedings the Pensioner is found guilty of grave misconduct or negligence during the period of his service, subject to certain other conditions.

3. Instances have come to the notice of the Government where the Government dues other than those provided under Rule 9 of the Andhra Pradesh Revised Pension Rules'1980 are to be recovered from the Government employees and the consequent need to categorise various Government due for the purpose of recovering and adjusting from the Gratuity/Commutation Value of Pension / Pension under Rule 9 of Andhra Pradesh Revised Pension Rules'1980.

4. The Government after careful examination of the matter, hereby order that the amounts due in respect of the following categories shall be treated as Government dues and shall be recovered from the Gratuity admissible.

1. Dues pertaining to Government accommodation including arrears of licence fee, if any;
2. Dues relating to balance of House Building or Conveyance or any other Advance, over payment of Pay and Allowances or leave salary, and arrears of income tax deductible at source under the Income Tax Act, 1961, and any other amounts due to Government;
3. Excess payment due to erroneous pay fixation.

The Government have also been receiving innumerable proposals for clarification in the matters relating to disciplinary cases in respect of recovery of loss caused to Government from the pension consequent on the death of a retired employee before conclusion of the disciplinary proceedings pending against him.

5. The government after careful consideration hereby issue the following orders,

namely:-

a) When a Government Servant dies before conclusion of the disciplinary proceedings.

General death abates all further proceedings. A Government Servant dies before conclusion of the disciplinary the proceedings under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 also abates. If any loss or misappropriated amount by the deceased Government servant is established, in such a cases, the disciplinary proceedings will not automatically abate and it is open to the Government to bring the legal representatives on record and conclude disciplinary proceedings for the purpose of recovery of the same.

b) When disciplinary proceedings are concluded as per the procedure and the Government Servant dies before receiving punishment:

When disciplinary proceedings are concluded as per the procedure and Government Servant/Pensioner dies before receiving punishment and any loss or mis-appropriated amount due to his negligence or misconduct while he was in service established, the same can be recovered from terminal benefits admissible to the legal heirs. The recovery in such cases shall be from the terminal benefits i.e., Retirement Gratuity / Commuted Value of Pension / Encashment of Leave.

6. Instances have also come to the notice of the Government where stoppage of increments without cumulative effect (minor punishment) was ordered while the individual is in service but due to retirement, the orders of punishment for stoppage of increments could not be implemented. In such cases, it is hereby clarified that the amount equal to the increments can be recovered from the Retirement Gratuity of the employee after giving a notice to him and after considering his representation, if any.

7. Accordingly the following Notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the constitution of India and of all the powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Revised Pension Rules, 1980.

AMENDMENTS

(i) In the said Rules – in Rule 9, after sub-rule (6) the following shall be added namely:-

7(a) When a Government Servant dies before conclusion of the disciplinary proceedings, generally death abates all further proceedings. As such, when Government Servant dies before conclusion of disciplinary proceedings, the proceedings under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 also abates. If any loss caused or misappropriated the Government amount by the deceased Government Servant is established, in such a cases, the disciplinary proceedings will not automatically abate and it is open to the Government to bring the legal representatives on record and conclude disciplinary proceedings for the purpose of recovery of the same.

(b) When disciplinary proceedings are concluded as per the procedure and Government Servant / Pensioner dies before receiving punishment order and any loss caused or mis-appropriate the Government amount due to his negligence or misconduct while he was in service, is established, the same can be recovered from terminal benefits admissible to the legal heirs. The recovery in such cases, shall be from the terminal benefits, i.e., Retirement Gratuity / Commuted Value of Pension / Encashment of Leave.

- (c) In cases of punishment of stoppage of increments without cumulative effect, which could not be implemented due to lack of service, or other-wise the amount equal to the increments stopped, shall be recovered from in Retirement Gratuity of the employee.

Provided that the consultation with the Andhra Pradesh Public Service Commission shall not be necessary for taking action under this sub-rule.

ii) in Rule 46 after sub-rule (5) the following shall be added namely:-

“(6) Recovery and Adjustment of Government dues:

1. It shall be the duty of the Head of the Office to ascertain and assess the Government dues payable by a Government Servant due for retirements.
2. The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government Servant shall be adjusted against the amount of Retirement Gratuity becoming payable.
3. The expression ‘Government dues’ includes:-
 - a. Dues pertaining to Government accommodation including arrears of license fee, if any;
 - b. Dues relating to balance of House Building or Conveyance or any other Advance, over payment of Pay and Allowances or leave salary, and arrears of income tax deductible at source under the Income Tax Act, 1961, and any other amounts due to Government;
 - c. Amounts specified in sub-rule (7) of Rule 9 of the Andhra Pradesh Revised Pension Rules 1980.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.K. NAIDU
Principal Secretary to Government