

GOVERNMENT OF KERALA

**Abstract**

PENSIONS – FINALISATION OF PENSION CASES HELD UP FOR WANT OF SETTLEMENT OF LIABILITIES – ORDERS ISSUED

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**FINNANCE DEPARTMENT**

**G.O (P) 422/66/Fin**

**Dated, Trivandrum 14<sup>th</sup> September 1966**

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- Read: 1. G.O (P) 48/59/Fin dated 27-1-1959  
2. G.O (MS) 161/59 / Fin dated 2-4-1959  
3. G.O (P) 472/60/ Fin dated 5-10-1960  
4. G.,O (P) 369/61 / Fin dated 30-8-1961.  
5. Circular Memorandum No. 14/Pen. SP1. A2/64/Fin dated 18-3-\*1965

**ORDER**

Non - settlement of liabilities IS the main cause of delay in the finalization of pension claims in a large number of causes . Government have issued various orders from time to time stressing the necessity to ensure that the liabilities against an Officer should be assessed within three months from the date on which an officer leaves charge of an office and that normally the investigation of liabilities against a retired officer need not extend beyond a period of three years immediately preceding the date of retirement . Detailed instructions have also been issued in Circular No 14/Pen Sp1, A 2/64/ Fin dated 18-3-1965 as to how the liability , if any to be accounted for by the retired officer should be settled expeditiously .

2 . The following provisions have also been made to deal with cases where liabilities have not been settled before the date of retirement . If the final L.P .C /N.L.C could not be issued in cases where proceedings have been initiated under rule 3, Part 111 kerala Service Rules only provisional pension as laid down in Rule 3-A ibid is to be granted without any death – cum retirement gratuity . Where no such proceedings have been initiated pension and death –cum - retirement gratuity will be released to the retired Government servant on furnishing a surety of a suitable permanent Government servant . If the retired Government furnishing a surety of a suitable permanent Government servant . If the retired Government servant is unable or unwilling to furnish a surety , suitable cash deposit not exceeding the estimated amount of the outstanding dues plus 25% thereof is held over and pension and balance death- cum retirement gratuity granted to him . In cases where any liability is suspected or proved against an officer and the money value thereof is not assessed , anticipatory pensions not exceeding 2/3 of the pension admissible will be paid to him without any anticipatory death – cum retirement gratuity .

3 Government feel that it is entails undue hardship if the whole death – cum retirement gratuity besides a portion of the pension is withheld in respect of the cases where the liability is pending assessment . This rules of the Central Government provide for the release of pension and death - cum retirement gratuity after withholding a part of the death- cum retirement gratuity in cases where the dues to Government against a retired officer remain un assessed till the dat3 of

retirement . The adoption of similar provisions was engaging the attention of Government for some time past . The following orders are accordingly issued . .

4 . In cases where the liabilities against officer s have been assessed and fixed by the date of their retirement pension and death – cum retirement gratuity will be released after recovering the amount from pension / death - cum retirement gratuity either on the basis of the intimation received from the Department or on the strength of the last pay certificate specifying the liabilities .

5 . If however the liabilities could not be finalized but could be estimated at the time of retirement the existing procedure of releasing pension and death –cum retirement gratuity after accepting a surety bond or cash deposit or after withholding from the death - cum retirement gratuity the estimated amount of the outstanding dues plus 25% there of will be followed .

6. If disciplinary proceedings are being continued against an officer under Rule 3 as on the date of retirement the existing provision under Rule 3-A of paying provisional withholding the entire death-cum retirement gratuity will be operative .

7. In cases not covered by paragraph s (4) (5) or (6) above the pension and death cum- retirement gratuity will be released provisionally after withholding from the b death - cum retirement gratuity the amounts noted below :-

(1) Officers in charge of cash or stores	the full amount of death- cum Retirement gratuity.
(2) Gazetted Officers other than those in (1) Above	10% of the death – cum gratuity or Rs 2, 000 Whichever is higher?
(3) Non - Gazetted Officers other than (1) Above	10% of the Death - cum gratuity or Rs 600 whichever is higher

8. In all cases where the procedure referred to in paragraph (5) or paragraph (7) is proposed to be followed , the pension sanctioning authority will , not later than a week after the retirement of the officer , intimate the Accountant General , without fail the amount or percentage of the death – cum retirement gratuity to be withheld .

9. In all cases where the liabilities could not be assessed and fixed before retirement of the Government servants , efforts should be made to assess and adjust the recoverable dues within a period of one year from the date of retirement of the Government servant concerned . If in any cases , the liability could not be assessed and adjusted within one year the amount withheld from the death – cum retirement under paragraph (5) or (7) above will be released , . Disciplinary action shall be taken against the officers responsible for the failure to assess and adjust the liabilities within the prescribed period .

10. If in any case the amount withheld from the death – cum retirement gratuity or the cash deposit , or the surety bond taken from the officer has been released on the Expiry of one year after the date of retirement without the liabilities being finalized and adjusted , or it is not adequate to cover the liabilities finally fixed action will be taken against him under Rule 3 of part 111 , Kerala Service Rules to make up the loss by withholding withdrawing or effecting recoveries from the pension sanctioned . If action under Rule 3 ibid is not possible due to the expiry of the time limit prescribed for such action , or due to any other reason the retired officer will be proceeded against through a civil Court for recovering the pecuniary loss caused to Government

11. The above orders will also be applicable to all pension cases pending on the date of issue of these orders. In the cases the period of one year for purpose of paragraph (9) Above will be one year from the date of issue of these orders.

12. Production of Last pay Certificate will not be insisted on for the provisional payment of pension or death –cum retirement gratuity under paragraphs (5) (6) and (7) of this order .

By order of the Governor,  
R.GOPALASWAMY,  
*Finance Secretary.*

To

The Accountant General, kerala  
All Heads of Departments and officers  
All Departments and sections of the Secretariat.  
The Registrar of High Court (with C.L)  
The Registrar, university of kerala, Trivandrum (with C.L)  
The Secretary vigilance Commission (with C.L)  
The Secretary, K.S.E.Board (with C.L)  
The Secretary to the Governor.  
The Director of public Relations  
The private Secretaries to the Advisers  
The Secretaries. Additional Secretaries, joint Secretaries, Deputy Secretaries and  
Assistant Secretaries to Government  
The Stenographer to the Chief Secretary  
The Commissioners of Corporation, Trivandrum and Kozhikode.  
The Commissioners of all Municipalities.

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