

No.38/05(25)/2024-P&PW(A)(9633)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशन भोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट नई दिल्ली Khan Market, New Delhi-110 003

दिनांक Dated: 15.07.2024

कार्यालय ज्ञापन/Office Memorandum

विषय: Policy for references of Court Cases to Department of Pension and Pensioners' Welfare - Instructions - reg.

The undersigned is directed to refer to this Department's OM No.38/70/14-P&PW(A) dated 07.10.2015 regarding consultation with this Department in all cases for implementation or otherwise of the court orders, where any policy issue relating to pension matters is involved.

2. The Department of Pension and Pensioners' Welfare, being nodal Department on pension matters, is impleaded along with the concerned administrative Ministries/Departments, either as main party or proforma party in almost all CAT/High Court/Supreme Court cases.

3. As per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

4. Under the extant policy, this Department is receiving Inter- Ministerial references in matters where SLP cases are to be filed. However, it has been observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. Therefore, there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law.


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5. Hence, it is decided that all matters where Ministries/Departments seek to approach High Courts in CCS (Pension) Rules/Policy related issues, be referred to Department of Pension and Pensioners' Welfare alongwith the views of the administrative Ministry/ Department in a timely manner and comments/opinion of this Department received, if any, may be incorporated in the submissions made before Hon'ble High Courts in the matters involving major pension policy issues.

6. The administrative Ministry/Department while referring the proposal should invariably indicate all facts pertaining to the case in a Self Contained Note. The note should also include the relief sought by the petitioner/applicant, earlier advice/opinion of DoPPW, submission made by the Department before the Court/CAT, opinion of the Government Counsel on the judgment, opinion of D/o Legal Affairs and D/o Expenditure/DoPT, if any. All the references should be made to this Department alongwith views in the matter and with the approval of the Secretary of the Administrative Ministry/Department well in advance.

7. The above instructions may be brought to the notice of all concerned for strict compliance. These instructions are issued in consultation with Department of Expenditure.

8. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।



(Dhrubajyoti Sengupta)

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To

The Secretaries of all Ministries/Departments of the Government of India

Copy for information to :

- i. The Secretary, Department of Expenditure
- ii. The Secretary, Department Personnel and Training
- iii. The Secretary, D/o Legal Affairs
- iv. All officers in the DoPPW