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BHARAT PENSIONER



OFFICIAL MONTHLY ORGAN OF THE BHARAT PENSIONERS SAMAJ, NEW DELHI - 110 014

(Federation of All India Pensioners' Associations)

(Associate NGO, INTERNATIONAL FEDERATION ON AGEING, TORONTO, CANADA)

DIRECT SUCCESSOR TO "PENSIONER" ESTABLISHED IN 1955

INCORPORATING 'PENSIONERS' COUNSELLOR

Has the IAS failed the Nation? (Courtesy TOI 25.3.22)

I wish the answer were a resounding 'no'. Much to my regret though, that's not the case. The public perception of the IAS today is of an elitist self-serving, status quo perpetuating set of bureaucrats who are out of touch with reality who wallow in their privileges and social status and have lost the courage of conviction to stand-up for what's right.

It wasn't always like this, in the mid-1970s when I was a fresh entrant into the service, if the government was being attacked by the opposition on a scam or a scandal, all that the CM had to do was to stand up in the Assembly and announce that he would appoint an IAS officer to inquire into the matter. That was enough to shut out the debate. Today if a CM said that, she/he is likely to be booed. It's difficult to put a precise date on when the decline started. When the IAS was instituted soon after Independence as a successor to the colonial era ICS, it was seen as the home grown answer to the enormous task of nation building in a country embarking on an unprecedented experiment of anchoring democracy in a poor, illiterate society. Whether it was agricultural development land reforms, building irrigation projects, promoting industry improving health and education delivery, implementing social justice or enforcing the rule of law the IAS was seen as the delivery arm. IAS officers led this effort from the front, built an impressive development administration network from ground zero and earned for the service a formidable reputation for competence, commitment and integrity that reputation began unravelling. In subsequent decades. The IAS lost its ethos and its way ineptitude, indifference and corruption had crept in. Arguably, this negative stereotype view is shaped by a minority of officers who have gone astray but the worry is that that minority is no longer small.

A CM once told me that of the IAS officers at his disposal, about 25% were callous, corrupt or incompetent, the middle 50% had happily turned into sinecures and that he had to depend on the remaining 25% to get all his work done. The Prime Minister echoed a similar view when he openly expressed in the Parliament last year his disenchantment with the 'babu culture' in the bureaucracy.

What explains this malaise in the IAS? The standard scapegoats are the recruitment examination, the induction training & subsequent in-service training, limited opportunities for self improvement and indifferent or even callous career management. For sure, these are all areas in need of improvement but to believe that these are the biggest problems ailing the IAS is to miss the wood for the trees. The biggest problem with the IAS is a deeply flawed system of incentives and penalties. The service still attracts some of the best talent in the country, and young recruits come in with sharp minds and full of enthusiasm to 'change the world'. But soon, they become cogs in the wheels of complacency and acquiescence, turn lazy and cynical, and worse, lose their moral compass. IAS officers would like the world to believe that this happens because of politicians standing in the way of their delivering results. You can't miss noticing that most IAS memoirs are, at heart, tales of: "I was going to do great things but politicians came in the way and stopped me," I don't want to trivialise the challenge of political interference; in a democracy it comes with the territory. But to blame 'Has the IAS failed' the politicians for the intellectual and moral decline of the IAS is self-serving. Politicians will of course dangle carrots but why should officers go for them? What happens though is that some individual officers with weak moral fabric succumb to the temptation and others follow suit, either attracted by the rewards or simply to save their careers.

The truth is that no political system, no matter how venal, can corrupt a bureaucracy if it stands united and inflexibly committed to collective high standards of ethics and professional integrity. Sadly, that's not been the IAS story. It strikes me that Prime Minister Boris Johnson of the UK is currently being investigated for alleged 'party-gate' transgressions by the British equivalents of our cabinet secretary and the Delhi police. And not one member of the UK parliament, not even an opposition MP, has cast any doubt on the integrity of the probes. Such a thing happening in our system is unimaginable, and that's a reflection not of the low esteem in which our politicians are held but of the low esteem in which our bureaucracy is held. So, what is the problem with incentives and penalties? For a start, when everyone gets

BHARAT PENSIONER

promoted by efflux of time, to use a bureaucratic phrase, there is no pressure on officers to perform and deliver results. In a system where the smart, enthusiastic and capable are not assured of rising to the top, and the corrupt, lazy and incompetent don't get weeded out, there is no motivation for officers to upgrade their knowledge and skills. A system that promotes mediocrity and risk aversion rather than innovation and change sinks to a low common denominator as indeed the IAS has.

The IAS has to be reformed into a meritocracy. There will be resistance of course but it is doable. How to go about that has to await another opinion piece. I am deeply conscious that there are hundreds of young IAS officers out there in the field performing near miracles under testing circumstances. Sadly my generation of civil servants and subsequent cohorts have bequeathed a flawed legacy to these unsung heroes. To them passes the challenge and opportunity of recovering the soul of the IAS.

The biggest problem with the IAS is a deeply flawed system of incentives and penalties. The service still attracts some of the best talent in the country, and young recruits come in with sharp minds and full of enthusiasm to 'change the world'. But soon, they become cogs in the wheels of complacency and acquiescence, turn lazy and cynical, and worse, lose their moral compass

The writer Duvvuri Subarao, a former RBI governor, was also an IAS

Centre turns down appeal to release 3 Dearness Relief installments - Hindustan Times

It is estimated that total amount of DR (for pensioners) and dearness allowance (DA) meant for central government employees thus held back was approximately Rs. 34,000 crore, persons with knowledge added on condition of anonymity.

The finance ministry on Monday turned down a request from pensioners to release three instalments of dearness relief (DR) held back during the peak days of the Covid-19 pandemic as part of the government's expenditure control measures to fund urgent relief work, two people aware of the matter said.

It is estimated that total amount of DR (for pensioners) and dearness allowance (DA) meant continued to page 4

BHARAT PENSIONERS SAMAJ, NEW DELHI

(Federation of All India Pensioners' Associations), Regd No. S - 2023 of 1962 - 63.

Niti Ayog Unique Identity No. = DL/2016/0102111)

Associate NGO, INTERNATIONAL FEDERATION ON AGEING, TORONTO, CANADA

2/13-A, LGF (Backside), Jangpura - 'A', Hospital Road, New Delhi - 110 014, Tel-011-24376642 & 49027335

Details of Managing committee elected by 66th virtual AGM on 30.11.2021

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	2007101019420. IFSC: CNRB0002007.
	Account Holder: Bharat Pensioners Samaj. Do
	intimate details after depositing in Bank a/c by
	SMS/e-mail etc for correctly crediting to your
	account.
	<u>Online payment details</u>
	Visit website www.bps1955.in . URL :
	http://www.bps1955.in/web/payment_bps.php

continued from page 2

for central govt employees thus held back was approximately Rs. 34,000 crore, they added on condition of anonymity. DA and DR are paid to adjust for the cost of living and to protect basic pay or pension from erosion on account of inflation. "Among the agenda items was discussing the payment of the dearness allowance and relief, and the petitioners sought that the amount that was frozen during the Covid-19 pandemic be released," this person added.

Email queries sent to ministries of finance and DoE did not elicit any response.

After the freeze was removed in July 21, the DA and DR allowances have seen three increases that effectively doubled them.

"The Department of Pension looks after the welfare of Pensioners and addresses their grievances at multiple levels in prompt fashion," a personnel, public grievances and pensions official said. "Disbursal of DA and DR does not fall in the ambit of the ministry."

The government froze DAs and DRs from April 2020, a month after the Covid-19 pandemic hit India that triggered a prolonged nationwide lockdown. According to the second person, "in view of the unprecedented situation which arose due to the Covid-19 pandemic, three instalments of DA to central government employees and DR to pensioners, which were due from 01.01.2020, 01.07.2020 and 01.01.2021, were frozen."

In August 2021, in a written response to a question in the Rajya Sabha finance minister Nirmala Sitharaman said this saved "approximately Rs. 34,402 crore".

SC Maheshwari, Secy Genl of Bharat Pensioners' Samaj claimed that the frozen amount along with interests could be over Rs. 36,000 crore. "At least they [the govt] should pay the backlog for pens as they have no any other means to survive."

"There are various other issues related to pensioners, which were also raised, for example inadequate healthcare facilities and poor CGHS system. We served the country, now we are retired. They [the government] should treat all lives as equal," he added.

Another government official who asked not to be identified said that the allowance was frozen for all government employees.

The Union Cabinet on March 30 raised the dearness allowance (DA) by three percentage points to 34% OF WHAT for 4.77 million central government employees and effected a similar increase in dearness relief (DR) for 6.86 million pensioners. The change was made with retrospective effect from January 1

"The combined impact on the exchequer on account of both Dearness Allowance and Dearness Relief would be Rs. 9,544.50 crore per annum," an official statement issued after the Cabinet meeting said.

The announcement of the latest hike came in under five months after the government raised the DA and DR by three percentage points to 31% in October 2021. In July 2021, the Union government revoked the suspension on DA and DR that was imposed due to unprecedented economic disruption because of the Covid-19 pandemic, and raised the two allowances from 17% to 28%.

महंगाई राहत की फीज तीन किस्तें जारी करने से केंद्र सरकार का इनकार

वित्त मंत्रालय ने सोमवार को पेंशनभोगियों से तत्काल राहत कार्य के लिए सरकार के व्यय नियंत्रण उपायों के हिस्से के रूप में कोविड-19 महामारी के चरम दिनों के दौरान वापस रखी गई महंगाई राहत डी आर की तीन किस्तों को जारी करने के अनुरोध को ठुकरा दिया।

इस बात की जानकारी रखने वाले दो लोगों ने नाम न छापने की शर्त पर बताया कि यह अनुमान है कि केंद्र सरकार के कर्मचारियों के डी आर पेंशनभोगियों के लिए और महंगाई भता डी ए की कुल राशि लगभग 34,000 करोड़ रुपये है। पेंशन नियमों की समीक्षा के लिए स्वैच्छिक एजेंसियों की स्थायी समिति की 32वीं बैठक में व्यय विभाग डी ओ इ के एक प्रतिनिधि ने स्पष्ट किया कि पिछले डी ए और डी आर की राशि को जारी नहीं किया जाएगा। डी ओ ई केंद्रीय वित्त मंत्रालय की एक शाखा है। सोमवार को हुई बैठक की अध्यक्षता केंद्रीय पेंशनभोगी कल्याण मंत्री जितेंद्र सिंह ने की।

वित्त मंत्रालय और डी ओ ई ने इस संबंध में भेजे गए ईमेल प्रश्नों का कोई जवाब नहीं दिया। 21 जुलाई को प्रतिबंध ;फीजद्ध हटाए जाने के बाद डी ए और डी आर भत्तों में तीन वृद्धि देखी गई जो प्रभावी रूप से उन्हें दोगुना कर देती है। कार्मिक लोक शिकायत और पेंशन मंत्रालय

के एक अधिकारी ने कहा पेंशन विभाग पेंशनभोगियों के कल्याण की देखभाल करता है और कई स्तरों पर उनकी शिकायतों का त्वरित तरीके से समाधान करता है। लेकिन डी ए और डी आर का वितरण मंत्रालय के दायरे में नहीं आता है।

अप्रैल 2020 से डी ए और डी आर फ़ीज

कोविड-19 महामारी के भारत में आने के एक महीने बाद सरकार ने अप्रैल 2020 से डी ए और डी आर को फ़ीज कर दिया था। दूसरे व्यक्ति के अनुसार, कोविड-19 महामारी के कारण उत्पन्न अभूतपूर्व स्थिति को देखते हुए केंद्र सरकार कर्मचारी को डी ए और पेंशनभोगियों को डी आर की 1 जनवरी 2020-1 जुलाई 2020 और 1 जनवरी 2021 को देय तीन किस्में जमी हुई हैं।

अगस्त 2021 में राज्यसभा में वित्त मंत्री निर्मला सीतारमण ने कहा कि इससे लगभग 34,402 करोड़ रुपये की बचत हुई। भारत पेंशनर्स समाज के महासचिव एस. सी. माहेश्वरी ने दावा किया कि जमा राशि ब्याज सहित 36,000 करोड़ रुपये से अधिक हो सकती है। कम से कम उन्हें (सरकार) को पेंशनभोगियों के लिए बकाया भुगतान करना चाहिए क्योंकि उनके पास जीवित रहने के कोई अन्य साधन नहीं हैं। उन्होंने कहा कि पेंशनभोगियों से संबंधित कई अन्य मुद्दे भी हैं, जिन्हें भी उठाया गया। उदाहरण के लिए अपर्याप्त स्वास्थ्य सुविधाएं और खराब सी जी एच एस प्रणाली। हमने देश की सेवा की अब हम सेवानिवृत्त हो गए हैं। उन्हें सभी लोगों के साथ समान व्यवहार करना चाहिए। एक अन्य सरकारी अधिकारी ने नाम न छापने की शर्त पर कहा कि सभी सरकारी कर्मचारियों के भते पर रोक लगा दी गई है।

केंद्रीय मंत्रिमंडल ने इस साल 30 मार्च को केंद्र सरकार के 47.7 लाख कर्मचारियों के लिए महंगाई भते (डी ए) को तीन प्रतिशत बढ़ाकर 34% कर दिया जो 68.6 लाख पेंशनभोगियों के लिए महंगाई राहत (डी आर) में भी समान रूप से लागू हुआ। कैबिनेट की बैठक के बाद जारी एक आधिकारिक बयान में कहा गया है, महंगाई भता और महंगाई राहत दोनों के कारण राजकोष पर संयुक्त प्रभाव 9,544.50 करोड़ रुपये प्रति वर्ष होगा। इससे पहले अक्टूबर 2021 में सरकार द्वारा डी ए और डी आर को तीन प्रतिशत अंक बढ़ाकर 31% करने के बाद नवीनतम बढ़ोतरी की घोषणा पांच महीने के भीतर हुई है।

Inordinate delay in sanctioning Family pension.

Secy. BPS writes to CCA Telecom Gujarat

No. BPS/BDPA(I)/FP/GJ_Circle/20221 dt 06.04.2022
To, Dr. Kamal Kapoor,
Controller of Communication Accounts, Gujarat
Telecom Region,

Sub: Inordinate delay in issuance of PPO in favour of unmarried Daughter of Shri Batuk Hirabhai Parmar, Rajkot holder of PPO No. GJT/DOT CELL/15/1/2226 dt 10.08.2005 who expired on 01.11.2021.

Re: Your Office letter No: GJT/DOTCELL/15/3/2226/2994 dt 24.08.2020.

Respected Sir,

1. We had addressed you a letter No. BPS/BDPA(I)/FP/TN Circle/2020 dt 29.01.2020, requesting you to incorporate the name of unmarried daughter of Shri Batuk Hirabhai Parmar, Rajkot – PPO No. GJT/DOT CELL/15/1/2226 in his PPO and forwarded all required papers and the Pensioner had also applied for the same.

2. We were happy to receive a letter No: GJT/DOT CELL/15/3/2226/2994 dt 24.08.2020 intimating that “Family Pension will be authorized to Kumari Pratibha B. Parmar after expiry of the current penr on receipt of Family Pension case for PGMTD Rajkot, if otherwise admissible.”

3. Since Shri Batuk Hirabhai Parmar, Rajkot holder of PPO No. GJT/DOT CELL/15/1/2226 dt 10.08.2005 expired on 01.11.2021, his unmarried daughter Kum. Pratibhaben Batukbhai Parmar has now applied to your office for Family Pension vide her application dt 17.11.2021, enclosing all supporting documents as required.

4. Your office vide letter No: GJT/DOT CELL/15/3/4675 dt 09.02.2022 wrote a letter to the Post Master, Rajkot H.O. to return both halves of PPO for settlement of family pension case of Kum. Pratibhaben B. Parmar.

5. The Senior Postmaster, Rajkot HO vide his letter No: A-IV/Telecom Pen-BHP/PPO-Return/21-22 Dated 23.02.2022 returned the original both halves of PPO of the Pensioners to the AGM (Finance), Postal Accounts, Ahmedabad-380001.

6. Our inquiries with the AGM (Finance), Postal Accounts, Ahmedabad-380001 reveals that the same has been forwarded to your office long back.

Since virtually one month period is lapsed on receipt of all the required documents to your office, we expect

that all possible action at your end will be initiated to cause issuance of PPO in favour of Family Penr Kum. Pratibhaben Batukbhai Parmar.

The family pensioner is praying to your office to expedite the final settlement of her case so that she can get fiscal relief in these critical days.

We therefore request you to kindly take a look in to the case and cause early issuance of PPO in her favour.

A line in reply shall highly be appreciated.

With kind regards,

Yours Sincerely ,

(D D Mistry)

Secy BSNL/PSU Bharat Pensioner Samaj

Central Organisation ECHS Adjutant General's

Branch IHQ of MoD (Army) replies to BPS

B/497 06-MoD/AG/EC HS/2022 26.04.2022

Ms SC Maheshwari,

Secretary General, Bharat Pensioners' Samaj

All India Federation of Pensioners' Associations

2/13-A-LGF Backside, Jangpura-A New Delhi-14

Email - bharatpensioner@gmail.com

PARTTY IN HEALTHCARE OF PENSIONERS

1. Please refer to your letter No BPS/SG/health/022101 dated 03 Mar 2022 addressed to the Hon'ble Defence Minister received vide MoD (DoESW) ID No 18(02)120221WEID (Res-1) dt 05 Apr 2022

2. It is intimated that a separate healthcare scheme for Defence Pensioners has been sanctioned by the Govt owing to the peculiarities of Defence Services, the geographical spread of the pensioners throughout the country, primacy of treatment in Armed Forces Medical Services (AFMS) Hospitals etc. All these aspects and others have been deliberated upon in the Cabinet Note for sanction of ECHS.

3. In accordance with the directives, proposal for onboarding the NHA IT platform is under consideration which will ultimately achieve convergence.

4. We wish all members of the association good health and well being.

(Rajesh Dogra)

Col Dir (Ops & Coord)

for MD ECHS

Inordinate delay in sanctioning family pension to siblings. S.G.BPS wrtites to Secy(Pen) &FS

NO: BPS/SG/FP/04/22

Date: 28-04-2022

To, Shri. V.Srinivas, IAS, Secretary (Pension)

GOI M/O Personnel, PG & Pensions

Sri Sanjoy Malhotra, IAS, Secretary, Financial Services, Department of Financial Services, Ministry of Finance, GOI

Sub: Inordinate delay in releasing Life Time Family Pensions to the children of deceased Rly Penrs due to non-return of original disburser's portion of PPO with LPC by the CPPC of Banks.

Ref: Status report of Pension Adalat held at Katihar Div. of N. F. Railway on 07-03-2022.

Sir,

Railway administration won't sanction Family Pension to eligible dependent daughters of late pensioner/family pensioner unless original disburser's portion of PPO with LPC is returned by the CPPC of Banks. And Alas! CPPC of Banks won't do so.

Consequently, the poor ladies are pushed to starvation and look to you for help !

Enclosed, please find hereunder a list of affected dependent persons of deceased pensioners, whose eligibility to get Life Time Family Pensions, has been accepted by the competent authority of N. F. Railway since long, but the same is not sanctioned on account of non-return of disburser's portion of PPOs by the CPPC of Nationalized Banks.

The Railway Administration, as reported in the Pension Adalat, sent several reminders to the Bank Authorities, but all in vain.

Our affiliated organization N F Railway Pensioners Association Guwhati also requested the CPPC to act upon the letters of N. F. Railway administration, but no positive result could be achieved.

As a last resort Bharat Pensioners Samaj seek your intervention to help poor ladies.

Thanking you

With regards,

Yours sincerely,

DA/ as above

Sd/

S. C.Maheshwari

Secy Genl,

Bharat Pensioners Samaj

Annexure

List of Beneficiaries for Life Time Family Pension as per Status Report of Pension Adalat held at Katihar of N. F. Railway on 07-03-2022.

S/N	Dept.	Applicants name and details	PPO No. & Date of deceased Pensioner	Parents Bank/ CPPC particulars	Remarks of Pension Adalat
1	Engg.	Smt. Urmila Devi, widow daughter of Late Balindra Bhagat, ex.Mate/SSEP.Way/ NJP	0206961881 Dt.31-12-1996	Central Bank of India, 2 nd Floor MMO Building, MG Road, Fort, Mumbai-400001	5 th reminder sent to CPPC Mumbai on 02-11-2021 for return of original PPO
2	Tfc.	Smt. Gita Majumdar Dhar, widow daughter of Late Hari Prasad Majumdar, ex.AYM/ NJP	KIR/PN/2966 Dt.30-06-1983	-do-	Letter sent to CPPC/Bank for return of the original PPO with LPC
3	Mech.	Smt. Manabi Guha, widow daughter of Lt Satya Ranjan Sarkar, ex. Fitter/II/SGUJ	KIR/PN/2028 Dt.20-07-1981	-do	-do-
4	Med.	Miss Sangita Basfore, U/M daughter of Lt Sudai Basfore, ex. S/Cleaner under CMH/ NJP	1608020680 Dt.31-07-2002	State Bank of India, Samriddhi Bhavan, 7 th Floor, Strand Road, KOL-700001	-do-
5	Mech.	Miss. Kalyani Chakraborty, U/M daughter of Late Manmatha Nath Chakraborty, ex.OS/SSE/Loco/NJP	KIR/PN/5391 Dt.30-10-1999	United Bank of India /Punjab National Bank 11, Hemanta Basu Sarani, 4 th Flr, Kol-700001	-do-
6	Mech.	Smt. Banani Saha, Divorced daughter of Late Gajendra Nath Saha, ex.Mail/Express Driver/NJP	0207990438 Dt.31-05-1999	State Bank of India, Subham Greens 3rd. Floor, Lokhra Charali, NH-37, Guhati, Assam -781034	-do-
7	Mech.	Miss Rekha Das, U/M daughter of Late Mano Mohan Das, ex. Driver/C/ NJP	KIR/PN/2381 Dt.30-01-1982	United Bank of India /Punjab National Bank 11, Hemanta Basu Sarani, 4 th Floor, Kol-700001	-do-

Breaking News

Bharat Pensioners Samaj 67th AGM hosted by National Pensioners Association Ajni (Nagpur) will be held on 13th Nov. 022 at Nagpur. Delegation fee Rs 500/- Per delegate payable directly to the bank account of the host association. Details will be shared in whatsAap groups & next issue of the news magazine.

**Request for Integrated Health Scheme.BPS
affiliate PAR/Secunderabad writes to The Prime
Minister**

PAR/CO/PMO/2022

1st May, 2022

To,

Sri. Narendra Modi ji,

Hon. Prime Minister of India,

(I/C, M/O P,PG & Pensions)

Respected Sir, Namaste !

Reg: May Day Greetings & Request for Integrated
Central Government Employees & Pensioners Health
Scheme

Please accept Hearty May Day Greetings on behalf of
our Pensioners' Association of Railways which
represents Lakhs of railway pensioners being patronised
by National Federation of Indian Railwaymen, your good
self being the epitome of working class & a great crusader
in the service of our Mother India.

I am constrained to bring to your kind notice an important
& serious issue which is causing lot of heartburn to all
central government employees and workers, serving and
retired alike. As it concerns the Health Services, the
working of various schemes like CGHS, RELHS, ECHS
etc already in vogue for Central Government employees
& pensioners including Defence Department are unable
to meet the requirements of the beneficiaries in the crux
of the time due to their varied limitations & restrictions,
resulting serious nightmare to the patients and their
families, who had no other option for getting a better
treatment and deal even though available nearby. The
problems, in fact have multiplied since the advent of
pandemic. The hardships of the health scheme
beneficiaries differ from unit to unit and department to
department based on the specific stipulations made by
the authorities concerned. For example, if a patient is
referred from Railway Hospital to a Corporate Hospital,
of course after succeeding in exerting pressure from some
influential quarter, the patient/attendant need to undergo
lot of avoidable window jobs of reporting in various
counters and sundry works like transporting papers from
one seat to other and exchange of documents between
Railway Hospital and the Referral Hospital even in this
technologically highly advanced time of sending digital
files through internet.

Just to facilitate some relief to the personnel who are at
the helm of affairs, Railways has extended the benefit of
option of either RELHS or CGHS for the officers of
Railway Board. Distraught with RELHS, and to get the
same relief as Railway Board officials, to avail the
flexible advantage of other schemes, CGHS, Ms.

Archana Joshi, GM, S.E. Rly & Sri. Arun Arora, GM,
E. Rly requested extension of the same facility for
officials serving and retiring from Zonal Railways also
through their letters dt 23.3.22 & 16.3.22 respectively.

In this connection, please allow me to make a simple and
relevant suggestion. With the advent of technology in all
fields, the life of common people became less stressful,
more in the sectors of Banking and Communication. For
example, the ATM of any Bank caters to the customers
of all Banks irrespective of their holding account in a
particular Bank /Place etc and the same is accounted
within no time to the individual's account and the
safeguards are many and the facility is acclaimed by one
and all. It is a great transformation when compared to
the situation a few years ago.

The same thing can be brought into effect with respect
to Health Services of Central Government Employees/
Pensioners by bringing all the schemes under one
integrated system like Integrated Central Government
Employees & Pensioners Health Scheme which allows
the beneficiaries to choose the hospitals listed and the
accountal and services rendered can be directly accounted
in the respective Departments and Units as being done
in the case of Banking Industry. By bringing all the
beneficiaries of CGHS, RELHS, ECHS etc under one
umbrella and allowing them the facility of availing medical
services through single window system in all the
Hospitals recognised by the respective ministries
through similar software, the Government will be
extending a great relief to the serving & retired whose
services are quite exemplary and whose role in the
country's progress and development are ever
remembered. By integration of health services and
allowing single window system will avoid lot of
inconvenience, frictions, hardships, emotional upsets etc
to these serving/retired employees belonging all pivotal
services of Central Government.

The Pensioners' Association of Railways requests your
good self to kindly look into this issue & do the needful
at the earliest.

We fondly wish and hope your ensuing 3 Day Europe
trip, to Germany, Denmark and France a great
success undoubtedly as earlier & as we all pray always
' sarve janaa sukhino bhavantu ' augurs the much needed
impetus for stopping the present war and unfortunate
destruction and loss of lives in Europe which itself is a
great and grave threat to the whole world at present.

Thanking you, Sir,

Yours sincerely,

(S. N. C. Ramakrishnamacharyulu) Genl Secy

Recovery of excess payment made to pensioners should be dealt with in accordance with Rule 66 (4) of the CCS (Pension) Rules 2021: CPAO O.M dated 05.04.2022

GoI MoF -DOE CPAO/IT & Tech/Clarification/13 Vol. IIIA/7380/2022-23 /03 05.04.2022

Office Memorandum

Sub: Recovery of excess payment made to penrs
Attention is invited to the Reserve Bank of India's circular dt 21.01.2021 regarding withdrawal of circulars on Recovery of excess pension made to penrs. The RBI decided that the following circulars issued by the Deptt of Govt and Bank Accounts, Reserve Bank of India related to recovery of excess pension made by agency banks stands withdrawn from effect from the date of the circular-
Circular No. DGBA.GAD.No. 2960/45.01.001/2015-16 dated March 17th, 2016

Circular No. CO.DGBA (NBS) No. 44/GA.64 (11-CVL) 90/91 dated April 18, 1991

Circular No. CO. DGBA (NBS) No. 50/GA. 64 (11-CVL) 90/91 dated May 6, 1991

View: Withdrawal of circulars on Recovery of excess pension made to penrs: RBI Notification
It was further stated that agency banks will seek guidance from respective Pension sanctioning Authorities regarding the process to be followed for recovery of excess pension paid to the pensioners, if any.

The Department of Pension and Pensioners' Welfare has clarified (copy enclosed) that the question of recovery or waiver of recovery of any excess payment on account of an error in initial authorization or revision of pension by the office is to be dealt with in accordance with rule 66 (4) of the CCS (Pension) rules 2021.

Read also: Central Civil Services (Pension) Rules, 2021

This issues with the approval of the Chief Controller (Pensions).

(Anang Rawat) (Dy. Controller of Accounts)

To

All the Heads of CPPCs of all the Authorised Banks
,All the Heads of GBDs of Authorised Banks-38/
18/2018-P&PW(A)(5130)

GoI M/o & P,PG & Pensions-DOP &PW Dated: 08.02.2022

MOF-DOE/CPAO

Recovery of excess payment made to pensioners. I am directed to refer to your letter No. CPAO/IT&Tech/Clarification (Recovery)/13 Vol-III(A)/7380/173 dated 23.12.2021 on the above cited subject and to say that this Department has, on 20.12.2021, notified the CCS (Pension) Rules 2021 in supersession of CCS (Pension) Rules 1972. As per rule 66(4) of the said CCS (Pension) Rules 2021: XXXX

(2)

(3)

(4) If, consequent on revision of pension or family pension under sub-rule (2), an excess payment of pension or family pension is found to have been made to the pensioner or family pensioner and if such excess payment is not on account of any misrepresentation of facts by the pensioner or family pensioner, the administrative Ministry or Department shall examine in consultation with the Ministry of Finance (Department of Expenditure) whether or not recovery of such excess payment can be waived off and issue appropriate orders in accordance with the relevant rules and instructions in this regard.

2. Thus, the question of recovery or waiver of recovery of any excess payment on account of an error in initial authorization or revision of pension by the office is to be dealt with in accordance with rule 66(4) of the said CCS (Pension) Rules 2021, which is in the spirit of the Apex Court's judgement in Rafiqe Masih's case and DoPT's OM dated 2.3.2016. Therefore, there does not seem to be a need for issuing further instructions in regard to dealing with excess payment to pensioners on account of an error on the part of the office.

3. Therefore, CGA/CPAO may take a decision in this regard in consultation with Department of Expenditure/Financial Services, if necessary.

Nomination by pensioners under the Payment of Arrears of Pension (Nomination) Rules, 1983

No. 1/2(40)/2022-P&PW (E) GOI-M/O P, P.G. & Pensions-DOP&PW dt April 6, 2022

To, The CMDs of Pension Disbursing Banks
CPPCs of Pension Disbursing Banks

Sub: Nomination by pensioners under the Payment of Arrears of Pension (Nomination) Rules, 1983 for payment of life-time arrears.

In continuation of DoP&PW Letter of even number dt 31.03.2022, the undersigned is directed to enclose a copy of Notification No GSR-235 dt 28.03.2014 where in Form-A has been prescribed for Nomination by a pensioner for life time arrears. This Form is to be used for submission of nomination to Head of Office as well as the Bank. Therefore, Form-B which was being used for submission of nomination/modification to the Bank before 28.03.2014 no longer exists.

2. References/representations have been received in this Deptt mentioning that Pension of deceased penrs is not often revised based on recommendation of Pay Commission etc and arrears of pension in respect of deceased penr are not paid by the Pension Disbursing Bank to the nominee. It is clarified that revised pension payment authority is required to be issued in respect of all penrs/family penrs who were alive as on 01.01.2016 and lifetime arrears is required to be paid to the families of such penrs/family penrs who died after 01.01.16.

3. Payment of Arrears in respect of deceased pensioner, In whose case; a valid nomination exists with the Pension Disbursing Authority/Bank. In this connection, attention is invited to para 21.5.1 of the new Scheme Booklet, (5 Edition, July 2021) which is reproduced below:-

21.5.1- Cases where valid nomination exists:

The CPPC will enter the date of death of the penr in the disburser's portion of the PPO and will retain this information on its database with suitable audit trail and in the register maintained in their software in the form as Annexure-IX. An entry for the date of death of the penr will be made in pensioner's half by PAHB. The pensioner's half of PPO will then be returned to the nominee if family pension stands authorised through the same PPO; otherwise it will be returned by CPPC to CPAO along with the disburser's half. The CPAO will update its record & transmit both halves of the PPO after keeping necessary note in their records to the PAO/AG who had issued the PPO for similar action and record. For payment of arrears to the nominee, he/she will be asked to apply for the same to the

PAHB along with the penr's half of the PPO showing the period of arrears. The PAHB, after verifying the fact that the payment is actually due to the deceased penr, and also the particulars of the nominee as given in the nomination, will intimate the CPPC along with penrs portion of PPO for making payment by crediting the account of the claimant. The provision of this rule will apply mutatis mutandis to cases where the family pension ceases to be payable either due to death of the family penr, his/her remarriage/marriage or on the penr attaining the maximum age prescribed in the rules.

21.5.2- Cases where valid nomination does not exist:-

In the absence of any nomination made by the pensioner, the arrear of his/her pension are paid as per procedure prescribed in the Government of India, Ministry of PPG & Pensions, Department of Pension & Pensioners Welfare New Delhi OM No. 1/22/2012-P&PW (E) dated 10.07.2013.

4 The above instructions may be circulated widely for strict compliance by all concerned.

5. This issues with the approval of Competent Authority.

(Sanjoy Shankar) Dy Secy to the GoI Ph-24635979

Non-disbursal of pension for the month of March 2022 on account of life certificate:

CPAO/IT&Tech/Bank Performance/37 Vol. III A/15 dated 19.04.2022

Sub: Non-disbursal of pension for the month of March 2022 on account of life certificate-reg.

It is observed in last few days that series of references are being received from pensioners/family pensioners that they have not received payment of pension for the month of March, 2022 due to non-submission of life-certificate.

However, the penrs/family penrs informed that they have submitted their life certificates in their respective bank branches. It is noticed that bank branches are not updating their respective CPPCs regarding the status of life certificates. This is purely an internal matter of the bank. It is a matter of grave concern that the penrs/family penrs are suffering because of the lack of internal coordination of bank branches and CPPC.

Therefore, you are requested to look into the matter and provide the following information-
Number and name of pensioners whose pension for March, 2022 was not credited by bank.

The reason of non-disbursal of pensions for the month of March, 2022.

Number of cases where family pensioner has submitted life certificate his or her bank branch but pension is not credited.

Number of pensioners/family pensioners who have submitted life certificates and number of pensioners/family pensioners who have not submitted the life certificates.

The above information may be submitted positively by 1300 hours tomorrow, i.e. 20.04.2022 (Wednesday) Your early reply is highly appreciated.

This issues with the approval of the Chief Controller (Pension).

(Dr. N. Shravan Kumar) (Controller of Accounts)

Pension Module on PFMS Portal change of Gratuity Recovery Head Details in Pension Module

by PAO user: Important instructions by Controller Genl of Accounts, Deptt of Expenditure. GoI O.M. dt 21.04.2022 No. I-95/4/2020-ITD-CGA (E 2554)

GoI MoF Deptt of Expenditure Controller General of Accounts PFMS Division Mahalekha Niyantarak Bhawan, INA, New Delhi-110023 Dated: 21.04.2022 Sub: Important instructions with regard to Pension Module on PFMS Portal change of Gratuity Recovery Head Details in Pension Module by PAO user

In continuation to this office OM No. I-95/4/2020-ITD-CGA(E 2554)259 dated 07/08.12.2021 on the subject cited above, it is informed that provision for change of Gratuity Recovery Head Details as well as Grant Head for a particular pension case under Pension Module due to closure of financial year has been provided for PAO users in their respective Login ID.

2. This functionality to change Gratuity Recovery Head as well as Grant Head has been provided to accommodate for the following scenarios being faced by PAO users in the pension module, after they have Digitally Signed the PPO, where the gratuity recovery head and/or grant head stand changed in the next Financial Year.

BHARAT PENSIONER

Scenario A: Landing failure of sanction

Sanction status in Pension Module is showing 'Landing failure' then the possible reason for the failure could be "Recovery Head or Grant Head not found"

Scenario B: Returned by DDO / Lapsed sanction
Sanction has been pushed for Gratuity payment, but DDO has returned the sanction to PD or financial year has closed and sanction status showing "Sanction has been lapsed"

Scenario C: Yet to be pushed

PPO is Digitally signed, but Sanction has not been pushed for Gratuity payment and recovery head is available in the sanction and PAO is not able to push the sanctions now.

3. A user manual for this functionality is attached. It is requested that the PAOs may refer to the same for ensuring appropriate action required at each level for such scenarios. It is also requested that PAOs may first map deduct recovery functional head for current financial year with at least zero budget and approve it.

This issues with the approval of competent authority.

Nomination of Liaison Officer for reservation issues of Ex-Servicemen in Rly Bd:

Rly Bd No. 31 of 2022 dated 18.04.2022 Government of India Ministry of Railways Office Order No. 31 of 2022

Sub : Nomination of Liaison Officer for reservation issues of Ex-Servicemen in Railway Board

It has been decided that EDE(Res) would be the Liaison Officer for reservation matters related to Ex-Servicemen in Railway Board and would be assisted by E(NG)II & E(RRB) branches under EDE(N) and EDE(RRB) respectively.

2, The above issues with the approval of competent authority.

(Sushil Kumar Singh) Dy Secy/Admin Rly Bd

Ms Archana Joshi, GM ;S E Rly writes to DGRHS Rly Board vide her No No.G28AMISC Dated 23.03.2022

The DGRHS Rly Bd

Sub: Providing option of choosing CGHS Medical Card to officials retiring from Zonal Railway/PUS/ other field units

Presently, the Rly officials retiring from Zonal Rlys /PUs and other field units have options of availing Rly medical facilities under RELHS only, whereas the officials posted in Rly Bd and retiring from there are allowed to opt for CGHS medical card and avail CGHS medical facilities along with RELHS.

The Railway Medical Card does not provide the level of convenience and facilities as the CGHS Card provides.

There has been a request from large number of officials to extend the facility of CGHS Card to them also at par with officials posted and retiring from Railway Board, In view of the better reach of medical facilities available under CGHS Card, it is requested to extend the options of availing the same to officials retiring from Zonal Railway/PUs and other field units also at par with officials posted /retiring from Rly Bd, An early action is solicited.

Sd/- (Archna Joshi) General Manager

G M E.Rly also writes to DGRHS Rly Bd vide his No. AC.275/Misc./GM Dated: 16.03.2022

DGRHS Rly Bd,

Sub: Providing option of choosing CGHS Medical Card to officials retiring from Zonal Railway/Pus/ other field units.

Presently, the Railway officials are retiring from Zonal Railway. Pus and other field units have options of availing Railway medical facilities under RELHS only, whereas the officials posted in Railway Board and retiring from there are allowed to opt for CGHS medical card and avail CGHS medical facilities along with RELHS

The Railway Medical Card does not provide the level of convenience and facilities as the CGHS Card provides.

There has been a request from a large number of officials to extend the facility of CGHS cards to them also on par with officials posted and retiring from Railway Board.

In view of the better reach of medical facilities available under CGHS Card, it is requested to extend the options of availing the same to officials retiring from Zonal Railway/PUs and other field units also at par with officials posted / retiring from Railway Board.

An early action is solicited.

Sd/- (Arun Arora) General Manager

Payment of DA from Jan 2022 @ 34% to the CDA pattern employees of CPSEs, drawing pay in 7th CPC pay scales

F.No. W-02/0038/2017-DPE (WC)-GL-VII/2022 GOI; MOF- D P E Date: 11.04.022

Sub: Payment of DA to the CDA pattern employees of CPSEs, drawing pay in 7th CPC pay scales.

The undersigned is directed to refer to Para No. 3 and Annexure-II(a) and II(b) to this Department's O.M. No. W-02/0058/2016-DPE(WC) dated 17.08.2017 wherein the rates of DA payable to the employees who are following CDA pattern pay scales have been indicated.

2. The DA payable to the employees may be enhanced from the existing rate of 31% to 34% with effect from 01.01.2022.

3. The payment of Dearness Allowance involving fractions of 50 paise and above may be rounded off to the next higher rupee and the fractions of less than 50 paise may be ignored.

Previous: Payment of DA from 01 Jan 2022: IDA Scales of pay in CPSEs on 1987 and 1992 Basis

4. These rates are applicable in the case of CDA employees whose pay have been revised with effect from 01.01.2016 as per DPE's O.M. dated 17.08.2017.

5. All administrative Ministries/Departments of Government of India are requested to bring this to the notice of Central Public Sector Enterprises under their administrative control for action at their end.

6. This issues with the approval of the Competent Authority.

(Samsul Haque) Under Secretary

Local Committees to deal with Taxpayers Grievances from High-Pitched Scrutiny Assessment: Revised Instructions on Constitution and functioning by CBDT

F.No.225/10112021-ITA-II Government of India Ministry of Finance Department of Revenue Central Board of Direct Taxes Room No. 245-A, North Block, New Delhi, the 23rd April, 2022

To, All Pr. CCsIT/DGsIT/Pr.CCIT(Exemption)/Pr. CCIT(International-tax)

Madam/Sir,

Sub: Revised Instruction for constitution and functioning of Local Committees to deal with Taxpayers Grievances from High-Pitched Scrutiny Assessment-reg.

The Central Board of Direct Taxes (the 'CBDT'), by its Instruction No.17/2015 dated 09.11.2015 (copy enclosed) provided for constitution of 'Local Committees to deal with Taxpayers' Grievances from High-Pitched Scrutiny Assessment' in each Pr.CCII region. The Local Committees were constituted to expeditiously deal with Taxpayers' grievances arising from High-Pitched Scrutiny Assessment.

2. Taking into consideration the changes in organizational set-up subsequent to launch of Faceless Assessment regime, the CBDT, in exercise of its powers under section 119 of the Income-tax Act,1961('the Act') and in supersession of its earlier Instruction No. 17/2015 dated 09.11.2015, hereby issues the following instructions regarding constitution and functioning of 'Local Committees to deal with Taxpayers' Grievances from High-Pitched Scrutiny Assessment':

A. Constitution of Local Committees:

(i) Local Committees to deal with Taxpayers' Grievances from High-Pitched Scrutiny Assessment ('Local Committees') are required to be constituted in each Pr.CCIT region across the country including the Pr.CCIT(Exemption) and Pr.CCIT(International Taxation).

(a) The Local Committee shall consist of 3 members of Pr.CIT/CIT rank. To have a perspective of processes involved in Faceless Assessment process, Local Committees so constituted in each Pr. CCIT region and Pr.CCIT(Exemption) shall have one Pr.CIT (AU) of the region. The Local Committee constituted under the Pr.CCIT (International Taxation) need not have a Pr.CIT(AU) as a member, as the assessments under the International Taxation charges are outside the purview of Faceless Assessment regime.

(b) The other members may be selected from the pool of officers posted as Pr.CsIT/Pr. CIT(Central)/CIT(Judicial)/ CIT(Audit)/CsIT(DR),ITAT of the respective Pr.CCIT region. For the Local Committees constituted under the Pr.CCIT(Exemption) and

Pr.CCIT(International Taxation), members may be selected from their respective pool of officers.

(c) The senior most Member would be designated as the Chairperson of the Committee.

(d) The Addl. CIT (HQs) to such Pr. CCIT would act as a Member- Secretary to the Local Committee.

(ii) The Local Committees so constituted may co-opt other members, if necessary.

(iii) The Pr. CCIT concerned should ensure that the Local Committees are duly re-constituted after transfer/promotion of Members of the existing Local Committees.

(iv) Adequate publicity shall be given regarding constitution and functioning of Local Committees for filing of grievance petitions regarding High-Pitch Scrutiny Assessments. The communication address of such Local Committees shall be displayed at prominent places in the office building.

B. Jurisdiction of Local Committees:

The Local Committees constituted as above shall deal with the grievance petitions of the assessee under the jurisdiction of respective Pr. CCU regarding High-Pitched Scrutiny Assessments completed under both faceless and non-Faceless Assessment regimes. These Committees constituted in Pr. CCIT Region will also handle the grievances pertaining to Central Charges located under the territorial jurisdiction of the Pr. CCIT concerned.

C. Receipt of Grievances:

(i) Grievances related to High-Pitched Scrutiny Assessments completed under the Faceless Assessment regime will be received by NaFAC through dedicated e-mail id: samadhan.faceless.assessment [at] incometax.gov. in. Grievances so received shall be forwarded to Local Committee of the Pr. CCIT concerned by NaFAC, under intimation to Pr. CCIT of the Region/ Pr.CCIT(Exemption).

(ii) Grievances related to High-Pitched Scrutiny Assessments completed under the non- Faceless Assessment regime will be received by the office of Pr.CCIT concerned, physically or through e-mail. Grievances so received shall be forwarded to Local Committee of the Pr. CCIT concerned.

D. Action to be taken by the Local Committees on grievance petitions:

(i) A grievance petition received by the Local Committee would be acknowledged. A separate record would be maintained for dealing with such petitions by the Member- Secretary.

(ii) Member – Secretary on receipt of taxpayers' grievances of High-Pitched Assessment, will forward the same to the Chairman and Members of the Local Committee within three days of receipt of the grievance.

(iii) The grievance petition received by Local Committee would be examined by it to ascertain whether there is a prima-facie case of High-Pitched Assessment, non-observance of principles of natural justice, non-application of mind or gross negligence of Assessing Officer/Assessment Unit.

(iv) The Local Committee may call for the relevant assessment records to peruse from the Jurisdictional Pr.CIT concerned.

(vi) The Local Committee may seek inputs from the Directorate of Systems (ITBA/e- filing/CPC-ITR, CPC-TDS, etc.), on Systems-related issues emanating from the grievance/matter under consideration, if considered necessary.

(vii) Local Committee would ascertain whether the addition(s) made in assessment order is/are not backed by any sound reason or logic, the provisions of law have grossly been misinterpreted or obvious and well-established facts on records have outrightly been ignored. The Committee would also take into consideration whether principles of natural justice have been followed by the Assessing Officer/Assessment Unit. Thereafter, Local Committee shall submit a report treating the order as High-Pitched/Not High-pitched, along with the reasons, to the Pr. CCIT concerned.

(viii) The Local Committee shall endeavor to dispose of each grievance petition within two months from the end of the month in which such petition is received by it.

(ix) Member- Secretary will ensure that the meetings of the Local Committees are held at least twice in every month during the pendency of the grievance petitions and that timely reports are submitted to the Pr. CCIT concerned.

E. Follow up action by Pr.CCIT:

(i) On receipt of the report of Local Committee, Pr. CCIT concerned may take suitable administrative

action in respect of cases where assessment was found to be High-Pitched by the Local Committee, which inter-alia include:

a) Calling for explanation of the Assessing Officer/ Assessment Unit (through Pr.CCIT,NaFAC) and any other administrative action as deemed fit.

b) Administratively advise the Pr.CIT concerned to prevent any coercive recovery in cases identified as high pitched by the Local Committee.

(ii) The findings of the report of the Local Committee may also be shared by the Pr.CCIT concerned with NaFAC &/or Directorate of IT(Systems), as feedback, for revisiting the SOP/policy on Faceless Assessment &/or addressing the Systems related issues.

F. Monitoring the functioning of Local Committee:

(i) The Pr. CCIT concerned shall review the work of the Local Committee on a monthly basis. Pr. CCsIT shall highlight outcome of work of Local Committees along with the action taken on the suggestions made by the Local Committees in respect of cases where assessment were found to be High-Pitched by the Local Committees, in their monthly D.O. letters to the respective Zonal Member.

(ii) Quarterly Report regarding the functioning of Local Committees shall be furnished by the Pr. CCIT concerned to the O/o Member (IT&R), CBDT under intimation to the respective Zonal Member in the prescribed format (copy enclosed) by 15th of the month following the quarter ended.

3. The purpose of constitution of Local Committees is to effectively and efficiently deal with the genuine grievances of taxpayers and help in supporting an environment where assessment orders are passed in a fair and reasonable manner. It is to be noted that Local Committees cannot be treated as an alternative forum to dispute resolution/appellate proceedings.

4. It is emphasized that the task of constitution of Local Committees as per this Instruction be finalized within 15 days of issue of this Instruction or 30.04.2022, whichever is later, and compliance report may be sent by the Jurisdictional Pr. CCsIT/ Pr. CCIT (Intl.Tax.)/ Pr.CCIT(Exemptions) to their respective Zonal Members with a copy to Member (IT&R), CBDT.

5. This issues with the approval of Chairman, CBDT. (Ravinder Maim) (Director) (ITA-II), CBDT.

Admissibility of Composite Transfer Grant (CTG) on Retirement: PCDA(O) Pune Advisory No. 25 dtd 21.04.2022. The Composite Transfer Grant (CTG) on Retirement in respect of the Army Officers who wish to settle down at the last station of duty or Other than last station of duty post retirement. ADVISORY NO.25 Dated:-21.04.2022 O/o PCDA(O) Pune, Public Relation office (PRO)

Admissibility of Composite Transfer Grant (CTG) on Retirement

Your kind attention is invited to the Govt of India, Ministry of Finance, Dept of Expenditure, New Delhi OM No. 19030/1/2017-E. IV dated 06th January 2022.

In partial modification of Para 4 (11) (a) and (b) of Min of Finance, New Delhi OM No. 19030/1/2017-E. IV dated 13th July 2017 regarding, "admissibility of CTG on retirement". GOI/MOF/DOE New Delhi has since decided that wef 06th January 2022 the Composite Transfer Grant (CTG) on Retirement in respect of the Army Officers who wish to settle down at the last station of duty or Other than last station of duty post retirement, the condition of 20 km from the last station of duty has since been done away with (dispense away with) subject to the condition that change of residence tis actually involved. To settle down at the last station of duty or Other than last station of duty after retirement, full CTG i.e. at the rate of 80% of the last Month's Basic Pay will be admissible. Only the Army Officer will need to enclose a Self-declaration Certificate regarding his/her change of residence in the prescribed format (Annexure-I) along with final retirement claim to get CTG 80% of last Basic Pay drawn by the Officer.

In case of settlement to and from the Island territories of Andaman & Nicobar and Lakshadweep Island, Composite Transfer Grant on retirement shall be admissible & paid at full rate of 100% of last month's Basic Pay in terms of Para 4(ii) (a) of the OM GOI, MOF, Dept of expenditure, new Delhi dated 13.07.2017.

This is issued bearing the approval of Finance Secy and Secretary (Expenditure), GOI, MOF, New Delhi. This is for your kind information.

PCDA (O) Pune has seen.

(Smt Arati Ray Chaudhury/IDAS) ACDA & PRO

Change in Procedure of referral of non-entitled beneficiary – ECHS Order dated 22-04-2022.

Ex-Servicemen (ESM) and their dependents requiring hospital admission will in normal course be referred to AFMS hospitals in the station.

Central Organisation ECHS Adjutant Generals Branch Integrated Headquarters Ministry of Defence (Army) 10 B/49769/AG/ECHS 22 Apr 2022 All RCs

Change in Procedure of Referral of Non Entitled Beneficiary

1. Please refer: (a) Govt of India, Ministry of Defence letter No 24(8)/US/(WE)/D(Res) dated 19 Dec 2003.

(b) GOI (MoD) letter No 22D(09)/2013/US(WE)/D (Res) dated 26 Jul 2016.

(c) O/lo DGAFMS letter No 16301/18(C)/ESM DGAFMS/DG-3A dated 04 Jun 2019.

2. According to Para 2 of the Govt of India, Ministry of Defence letter No 24(8)/US/(WE)/D(Res) dated 19 Dec 2003, all Ex-Servicemen (ESM) and their dependents requiring hospital admission will in normal course be referred to AFMS hospitals in the station. For this purpose DGAFMS will earmark a suitable number of beds in all AFMS hospitals for ECHS beneficiaries. In case of non-availability of bed/ facilities in AFMS hospitals, patients will be referred to empanelled hospitals for admission. The same letter vide para 4(f) states that "Hospital Stoppage Rolls(HSR) and any other charges expended for treatment in Military Hospital will be paid in full by the member and is not reimbursable.

3. According to O/o DGAFMS letter No 16301/18(C)/ESM DGAFMS/DG-3A dated 04 Jun 2019 the AFMS hospital recognizes only the veteran, his spouse and children below the age of 25 years as dependents. However, according to ECHS rules dependent status is also given to eligible parents, brothers /sister, PWD 2016 beneficiaries above the age of 25 yrs . This creates an anomalous situation when entitled ECHS beneficiaries are treated as non-entitled in AFMS hospital where HSR and other charges paid by them are not reimbursable as per extant orders.

4. In view of the above and contents of O/o DGAFMS letter No 16301/18(C)/ESM DGAFMS/DG-3A dated 04 Jun 2019, non-entitled ECHS

beneficiaries may be directly referred to empanelled hospital/ Govt hospital. ECHS beneficiaries entitled for treatment in AFMS hospitals will continue to be referred to the AFMS hospitals.

5. This has the approval of MD ECHS.

(A C Nishil) Col Dir(Med) For MD ECHS

Dearness Allowance & Payment wef 01.01.2022 to original disburser's portion of PPO with LPC

PCDA(O) Advisory No. 26 is clarifying that Basic Pay means pay drawn in prescribed level in Pay Matrix as per 7th CPC recommendations accepted by Gol.

ADVISORY NO.26 Dated:-21.04.2022 O/o PCDA(O) Pune, Public Relation office PRO

Grant of revised rate of Dearness Allowance & Payment wef 01.01.2022 to all Army Officers & Personnel below Officer Rank including Non Combatants (Enrolled)

Your kind attention is invited to the Govt of India, Ministry of Defence, Dept of Military Affairs D (Pay/Services) New Delhi, letter No. 1(60/2021/D (Pay/Services) dated 06 April, 2022 regarding grant and Payment of revised rates of Dearness Allowance to All Army Officers which has been enhanced from the existing rate of 31% to 34% of the Basic Pay wef 1st January 2022 onwards.

Basic Pay means pay drawn in prescribed level in Pay Matrix as per 7th CPC recommendations accepted by Gol, but does not include any other type of pay like special pay, etc.

This letter is being issued based on the approval of MoF (Department of Expenditure) O.M. No. 1/2/2022-E-II(B), dated 31st March, 2022 and bears the concurrence of Finance Division of MoD vide their Dy. No. 65/AG/PD/2022 dated 05.04.2022.

This is for your kind information please.

This is issued with kind approval of PCDA (QO), Pune.

Regards, Jai Hind

(Smt Arati Ray Chaudhury, IDAS) ACDA & PRO

Clarification regarding processing of Pension

Papers —

Issue of Instructions that any delay will be viewed seriously as per the CCS Conduct rules.

Office of the Pr. Chief Commissioner of Income Tax Andhra Pradesh & Telangana 10th Floor, Income Tax Towers, AC Guards, Hyderabad-500 004 Tel No. 040 23425475, Fax: 23241427/23240403

Sub: Establishment — I.T. Department, A.P. & Telangana — Clarification regarding processing of Pension Papers — Issue of Instructions — Regd. It has been brought to the notice of this office that the Retiring Officers/Officials working in stations other than their Head of Office/Department are located at, are facing problems in finalization of Pension Papers/Pay fixation.

2. In view of the above, I am directed to communicate that the DDO concerned (i.e where salary is paid) should take up the activity of processing of pension papers/ Pay fixation by taking necessary approvals from the Head of the Departments/ Head of the office (having administrative control over the retiring officer/official).

3. Any delay in processing the pension papers of the retiring Officer/ Official within the prescribed time limits will be viewed seriously as per the CCS Conduct rules.

4. This is issued with the prior approval of the Pr. CCIT, A.P. & Telangana, Hyderabad.

(P. Krishna Kumar)

Dy. Commissioner of Income Tax,(Haqrs)(Admn),
O/o Pr.CCIT, AP&TS, Hyderabad

**Issue of medicine for veterans going abroad:
ECHS Order 26.04.2022 in continuation of order
regarding issue of Medicines for longer duration
for 90 days.**

Central Organisation ECHS Adjutant Generals
Branch Integrated Headquarters Ministry of Defence
(Army) Thimayya Marg Delhi Cantt -10 B/49769/AG/
ECHS 26 Apr 2022

All RCs

Issue of Medicine for Veterans going Abroad

1. Refer to letter B/49761/AG/ECHS/2021 dated 23
Dec 2021 (copy att).

2. According to Para 2(i) of the above letter ECHS
beneficiary proceeding to a foreign country for 3
months or more from the date of leaving India will be
entitled to receive medicines for the duration of his
stay in the foreign country upto a max of six months
or less. Veterans are finding it difficult to get the
required quantity of medicines due to non-availability
in the polyclinic.

3. In order to maintain continuity in treatment and
avoid any difficulties to the beneficiaries in a foreign
country, it is necessary that proper procedure is put
in place to facilitate the veteran to get his quota of
medicine prescribed by the treating physician.

4. To provide adequate time to the polyclinics to
make the required quantity of medicines available,
the beneficiaries are requested to intimate the
polyclinic about their impending visit and the
duration of stay well in advance. Following
documents will be attached to an application as proof
of his movement to a foreign country :-

(a) Documentary evidence of visit to a foreign
country i.e. copy of Passport, Visa and copy of the
tickets.

(b) Copy of the ECHS Card.

(c) Valid prescription of the treating physician for
issue of medicines for the duration of the visit.

(d) Next due date for review should be clearly
mentioned in the documents.

5. The required type and quantity of medicines for
the duration will be dispensed from the parent
polyclinics. Adequate time should be given to the
OIC Polyclinic to procure the medicines if it is NA or
short supply in the parent polyclinic. Efforts will be
made to procure the same through SEMO when
adequate time is available or from the ALC when NA
in the polyclinic.

6. If the procurement of medicines is not successful
before the departure of the beneficiary, the veteran
may be given NA certificate for the required medicines
for the duration. Based on the NA certificate the
beneficiary will be allowed to purchase the NA
medicines from the market and obtain reimbursement.

7. It is mandatory for the beneficiary to be reviewed
by his treating physician for regulation of dose and
other medical parameters immediately on return from
the foreign visit.

8. This has the approval of MD ECHS.

9. The contents of this letter may be disseminated to
all PCs under your AOR

(AC Nishil) Col Dir(Med) For MD ECHS

**Family of missing Central Government
employees covered under National Pension
System (NPS) – Provision for extending benefits
under CCS (Pension) Rules or CCS (EOP)
Rules by DoPP&W OM dated 28.04.2022**

No. 57/03/2020-P&P W (B) GoI MoP, Public
Grievances and Pension Deptt of Pension & Penrs'
Welfare Lok Nayak Bhavan, N Delhi, dt 28.04.2022
Sub: Provision for extending benefits under CCS
(Pension) Rules or CCS (EOP) Rules to family of
missing Central Government employees covered
under National Pension System (NPS)-reg.

The undersigned is directed to say that the New
Pension Scheme (now called as National Pension
System) (NPS) was introduced vide MoF, Deptt of
Eco Affairs' notification No. 5/7/2003-ECB&PR dt
22.12.2003. It was provided that NPS would be
mandatory for all new recruits to the Centl Govt
service from 01.01.2004 except the Armed Forces.
Simultaneously, the Central Civil Services (Pension)
Rules, 1972 and the Central Civil Services
(Extraordinary Pension) Rules were amended to
provide that those rules would be applicable to the
Govt servants appointed on or before 31.12.2003.

2. However, considering the hardship being faced
by the Govt servants appointed on or after
01.01.2004, benefits of CCS (Pension) Rules, 1972
or CCS(Extraordinary Pension) Rules, as the case
may be, were extended on provisional basis, in the
event of death of Govt servant covered by NPS or
his discharge from service on invalidation /
disablement, vide this Deptt's OM No. 38/41/06/
P&PW(A) dt 05.05.2009.

3. Further, the Central Civil Services (Implementation of National Pension System) Rules, 2021 have been notified on 31.03.2021 inter-alia providing Govt servants covered under these rules for exercise of options during their service for availing benefits of CCS (Pension) Rules, 1972 or CCS(Extraordinary Pension) Rules, as the case may be, or benefits from their Accumulated Pension Corpus under National Pension System, in the event of death of the Govt servant covered under NPS or his discharge from service on account of invalidation or disablement.

4. If a Govt servant covered by the CCS (Pension) Rules, 1972 goes missing, the benefits of arrears of salary, family pension, retirement gratuity, leave encashment, etc. are paid to the families of the missing employees in accordance with the instructions issued vide this Deptt's OM No. 1/17/2011-P&PW(E) dt 25.06.2013. References have been received from Min / Deptts for extending the provisions of the OM dt 25.06.2013 to Govt servants covered under NPS, who go missing during service and whose whereabouts are not known.

5. The matter has been examined in consultation with Department of Personnel and Training, Department of Financial Services and Department of Expenditure. Considering the hardship faced by the family of such Government servants, it has been decided to extend the benefits of this Department's OM No. 1/17/2011-P&PW(E:) dated 25.06.2013 to the families of Government servants covered by NPS who go missing during service. Accordingly, in all cases where a Government servant covered by NPS goes missing during service, the benefits of family pension may be paid to the family if the missing Government servant had exercised option for benefits under CCS (Pension) Rules on death or discharge from service on disability/invalidation or the benefits under CCS (Pension) Rules is the default option under the Central Civil Services (Implementation of National Pension System) Rules, 2021. The benefit of arrears of salary, retirement gratuity and leave encashment shall be paid to the family in all cases where a Government employee covered under NPS goes missing during service, irrespective whether the employee had exercised option for benefits under CCS (Pension)

Rules or under the Pension Fund Regulatory and Development Authority (Exits and Withdrawals under National Pension System) Regulations, 2015. Payment of the benefits to the family of the missing Government servant would, however, be subject to the conditions and procedural requirements, as mentioned in this Department's OM dated 25.06.2013.

6. In the case of a Government servant covered under NPS goes missing during service and his family is given family pension under CCS(Pension) Rules or CCS(EOP) Rules, the Permanent Retirement Account under National Pension System would remain suspended till the Government servant re-appears or till he is declared dead in accordance with the law. In the event of re-appearance of Government servant, the NPS account would be re-activated and the same account under NPS will become operative. Recoveries of payments made to the family of missing NPS employee would be made from the indemnifier as provided under this Department's OM dated 25.06.2013. However, in the event of Government servant being declared dead at any time or after seven years, Government contribution and returns thereon from the accumulated pension corpus under NPS would be transferred to the Government account and remaining corpus comprising of employees' contribution and returns thereon would be paid to the nominee or legal heir as the case may be in accordance with CCS(Implementation of NPS) Rules, 2021 and family will keep getting benefits as per CCS (Pension) Rules or CCS(EOP) Rules, as the case may be.

7. The claim by the Government servant or the family for getting benefits under CCS (Pension) Rules, or CCS(EOP) Rules, as the case may be, would be submitted in the same manner as prescribed under the relevant rules and DoPPW OM dated 25.06.2013. The process for grant of benefits under CCS(Pension) Rules, or CCS(EOP) Rules would be initiated in accordance with the option exercised by the Government servant or default option prescribed under CCS (Implementation of NPS) Rules, 2021. Necessary action for freezing of account under NPS would be started simultaneously and the process of grant of benefits

under CCS(Pension) Rules or CCS(EOP) Rules, as the case may be, should not be deferred till the process of freezing of account under NPS is completed.

8. These orders shall take effect from 01.01.2004. Interest on delayed payment of retirement gratuity, as provided under the CCS(Pension) Rules, would be paid at the rates and manner applicable for Public Provident Funds deposits from time to time. However, no interest would be paid for any amount due before issue of these instructions.

9. In all those cases where on reappearing of Government servant whose whereabouts were not known, and where benefits under DoPPW OM dated 25.06.2013 have been paid, the quantum of family pension awarded exceeds the recoverable emoluments, the matter needs to be settled in consultation with Department of Pension and Pensions' Welfare and Department of Expenditure.

10 All Ministries / Departments are requested to bring the contents of these orders to the notice of Controller of Accounts / Pay and Accounts Officers and Attached / Subordinate Offices under them.

11. This issues in consultation with the Ministry of Finance, Deptt. of Expenditure vide ID Note No. 1(11)/EV/2021 dated 29.03.2022 and in consultation with Controller General of Accounts vide their I.D. Note No. TA-3-104/5/2019-TA-III/CS-557/235 dated 15.03.2021.

12. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with Comptroller and Auditor General of India, as mandated under Article 148(5) of the Constitution of India.

13. Hindi version will follow.

(S. Chakrabarti) Under Secy to the GoI

Daughter to look after Parents-S C
05. 09.03.2022 Ct. No.21 C.O. 2059 of 2021
Piyali Tewari Dey -Versus Baidyanath Dey &
Ors. (Through Video Conference)

Mr. Supriyo Bose, Mr. Debojyoti Deb, Mr. Sanjoy Kumar Das, ...for the Petitioner

Ms. Sutapa Sanyal, Ms. Susnita Saha, ...for the state Mr. Dipak Kr. Mukherjee, Mr. Rajib Mukherjee, Ms. Supriya Dey, Ms. Shreyasi Bhaduri, ...for Uttarpara Municipality

Mr. Sanjoy Banerjee, Mr. Senjuti Chakrabarti, ...for the Opposite Party No. 3

Mr. Kaushik Gupta, Mr. Joydeep Bhattacharjee, ...for the Opposite Party No. 1 and 2

This case represents how dynamic human relationship can be in the present socio economic condition. The present application under Article 227 of the Constitution of India is at the instance of the petitioner being aggrieved by the order of cancellation of gift deed dated 10.07.2017 executed in her favour by her father in respect of family flat by the declaring the said deed to be void and directing the Additional District Magistrate to take all steps to revert back the ownership of the flat as mentioned in the schedule of the registered deed to the donor father Baidyanath Dey/the opposite party no. 1 by Maintenance Tribunal, Serampore in Maintenance Case No. 4 of 2021 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 30.07.2021.

The facts necessary for determination of the present revision application in gist is that father/opposite party no. 1 before the marriage of the daughter and out of love and affection appears to have gifted flat being no. 2A having 1392 sq.ft. super build area in a multi storied building known as Ambika within holding no. 38/18 at new GT Road Uttarpara by executing a registered deed of gift on 10th July, 2017. It appears the said flat is a residential flat where the un-married daughter used to live with her parents. That situation appears to have changed after the marriage of the daughter, who even after marriage continued to reside in the disputed flat along with her husband.

The relationship between daughter and parents appears to have deteriorated after the marriage of the daughter and for which the father had to file an application under Section 4 of the Act of 2007 seeking maintenance as well as for cancellation of the gift deed executed by him in 2017 as the daughter seems to have driven out the parents from the flat and who had to take shelter in the house of their married son.

The learned Tribunal after causing inquiry was pleased to pass impugned order not only cancelling the gift deed but also gave the direction to the son to pay maintenance of the rupees 5000 per month

to his parents and directed MC Uttarpara to give all kinds of protection to the aged parents/petitioner.

The Maintenance Act, which has come into existence in 2007 has been enacted to safeguard the interest of the parents senior citizens guaranteed and recognized under the constitution and to provide them maintenance so that in the fag end of their lives they do not have to lead a life of vagrancy perhaps day by day we are departing away from our traditional family value. In traditional Indian society the children even after attaining the majority and until they become fully independent they continue to reside under the shelter and protection of their parents like in the present case. Now, with globalization and with all modern technology we find drastic change in socio economic conditions and Indian values being eroded with adoption of the western culture and western tradition.

Now, it has become a part of Indian society to see aged parents and aged senior citizens seeking shelter of the Courts for their social and economic safety as we see some of them driven away from their home by their own children and not being provided proper maintenance and basic necessities. And some are taking shelter in old age homes run by the government or by NGOs. It is true that the parents having no source of income can seek maintenance from their children by invoking provision of Section 125 of C.R.P.C. but the procedure is time consuming.

Now, under the new enactment the parents can seek speedy relief from the provision set up under the act under which the tribunal has been vested with all the power of Civil Court and can pass an award of maintenance and also can pass an order of cancellation of deeds which parents had executed in favour of their child or children for providing social and economic security to the children.

However, the Hon'ble Division Bench of this Court in Debashish Mukherjee @ Zen Acharya vs. Dr. Sanjib Mukherjee reported in 2018 (1) CHN (CAL) 481 has been pleased to hold that "once the parents executed deed of transfer of their immovable property in favour of their child/children such deed cannot be cancelled or declared void by

Maintenance Tribunal until and unless such deed executed by parents in favour of the child contains a clause that the donee has to maintain and provide basic amenities and physical needs to the donors in future. The present case in hand prima facie shows the parents who have not only provided good life and good education to the present petitioner their only daughter but also gifted the flat where the daughter used to live with the parents in the year 2017 when the daughter was still a spinster. It has also come on record that father has not only gifted the family flat to the daughter but has also purchased another flat in the name of his daughter in the year 2012. Such facts show how much the father used to love his daughter and who appears to be the apple of the eyes of her father. The father who had never imagined that after entry of a divorced stranger in the life of his daughter the relationship and equation between the daughter and father would deteriorate to such an extent the father who is a chronic kidney patient and who has to undergo regular dialysis and in fragile physical condition has to run helter and skelter before different authorities to seek relief for his safety and social security. Since the gift deed in question is not being a conditional gift deed the provision of Section 23 of Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 is not attracted in view of the decision of Division Bench in Debashish Mukherjee @ Zen Acharya (supra). Therefore, this Court is of view the impugned order passed by Maintenance Tribunal in respect of cancellation of gift deed is not maintainable. However, this Court cannot be unmindful to the facts at present the father who is aged about 72 years and his medical papers show that he is a chronic kidney patient who has to undergo regular dialysis and which is a very expensive treatment. It has also come on record the parents have no any other alternative accommodation to take shelter at their advance age and in fragile physical condition save and except the flat in question which they gifted to their unmarried daughter without any apprehension that one day they would be driven away from their own residential flat which they have purchased with their hard earned money and gifted to their only

the then unemployed unmarried daughter to secure her life socially and financially. Therefore, the petitioner is hereby directed to provide shelter to her parents in the flat where they are residing with her but in different mess during their lifetime and to see they live peacefully their remaining days in the house which originally belonged to them. She is further restrained from alienating the disputed flat during the life time of her both parents. She is further directed to pay Rupees Ten Thousand per month towards their maintenance to meet their basic needs and medical expenses. The son who has been directed to pay only Rupees Five Thousand per month towards the maintenance of his parents is also directed to pay Rupees Ten Thousand per month towards the maintenance of his parents.

Accordingly, the impugned order is modified. Accordingly C.O No.2059 of 2021 is disposed of. Interim order, if any, stands discharged. In view of the order made above Affidavits are not invited. Allegations made shall be deemed to be denied. There will be no order as to costs. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court. Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Kesang Doma Bhutia, J.)

In The Supreme Court of India C A Jurisdiction Civil Appeal No(s). 297298 OF 2022 (Arising out of SLP (Civil) No(s). 19401941 of 2020) The Punjab State Cooperative Agricultural Development Bank Ltd. Vs The Registrar, Cooperative Societies & Others:

JUDGMENT- 11.01.2022

1. Leave granted.
2. Civil Appeals @ SLP(Civil) Nos. 19401941 of 2020 and the cognate appeals arise from the selfsame common judgment dated 29.07.2019 and 04.10.2019 passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh.
3. The facts have been noticed by this Court from Civil Appeals @ SLP(Civil) Nos. 19401941 of 2020.
4. The appellant in the present batch of appeals, is the Punjab State Cooperative Agricultural

Development Bank Ltd. (hereinafter referred to as 'the Bank'), a registered cooperative society and connected Civil Appeal @ Special Leave Petition (Civil) No.12864 of 2020 has been preferred by the serving employees of the bank who also claim to be aggrieved by the selfsame impugned judgment in the proceedings. At the same time, the respondents are the original writ petitioners who are the retired employees and the service conditions of the employees are governed by the Punjab State Cooperative Agricultural Land Mortgage Banks Service (Common Cadre) Rules, 1978(hereinafter being referred to as the "Rules 1978") and became members of the Bank Pension Scheme, which was introduced w.e.f. 01.04.1989.

5. The appellant Bank is a registered cooperative society which was earlier known as "Punjab State Cooperative Land Mortgage Bank Ltd." The principal object of the Bank is to provide long term loans to the farming community and to protect them from the clutches of money lenders. The main funding of the appellant Bank is by way of loans from National Bank for Agriculture and Rural Development(NABARD) as per the norms laid down. The appellant Bank has two tier structure comprising of "Punjab State Cooperative Agricultural Development Bank Ltd." at Apex level (SADB) and the "Primary Agricultural Development Banks"(PADB) at the grass root level. These two banks ensure timely delivery of credit to the farmers, who are its members and directly benefited with various schemes which provide long term and short term loans to them.

6. Prior to 1989, the employees of the appellant Bank were covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter being referred to as the "Act 1952"). The scheme was being duly adhered to and necessary contributions were regularly paid by employees and the employer Bank.

7. The Department of Finance, Government of Punjab, vide its letter dated 22nd September 1988, pursuant to recommendations of the Punjab Pay Commission to bring the employees serving in various Public Sector Undertakings and State aided institutions under purview of the State Pension Rules, solicited the views/comments of the concerned organisations to interalia communicate

the additional financial burden involved in each case and whether the organisation/organisations could bear the additional liability out of their own resources. These recommendations were placed before the Administrator of the Bank who vide Resolution dated 22.06.1989 decided to implement the recommendations of the State Government and as a consequence thereof, the pension scheme of the employees and Officers in the common cadre was introduced w.e.f. 01.04.1989.

8. Resolution No.24 passed by the Administrator of the appellant Bank dated 22nd June, 1989 is reproduced as under:

Item Agenda No.	Decision
1 (i) To consider to amend Common Cadre Rules for introducing Pension Scheme.	1 (i) Resolved that the existing Common Cadre Rule No. 15 be numbered as 15(i) and a new rule 15(ii) be incorporated as under: 15(ii) The Board of Directors may formulate Pension Rule with the approval of RCS Punjab.
(ii) To consider to introduce Pension Scheme for the employees/officers in the Common Cadre of the Punjab State Cooperative Agricultural Development Bank	(ii) (a) Resolved that the Pension Scheme for the employees/officers in the Common Cadre of the Punjab State Cooperative Agricultural Development Bank be introduced for the adoption w.e.f. 1.4.89. (b) It is further resolve resolved that the pension rules enclosed are approved. Any matter which is not specifically mentioned in these Rules shall be governed by Chapter XIII of the Punjab Civil Service Rules Vol. II. (c) It is further resolved that the Regional Provident Fund Commissioner, Chandigarh be requested to exempt the bank from

the payment of contributory provident fund scheme and refund the entire existing contribution with them along with family pension contribution and deposit linked insurance fund along with up to date interest on these amounts.

9. In furtherance thereof, the appellant Bank sent a letter dated 27th June, 1989 to the Registrar, Cooperative Societies, Punjab, seeking approval for introduction of the pension scheme for its employees covered under the Rules, 1978. The Registrar, Cooperative Societies, Punjab, by its communication dated 7th February, 1990 conveyed its approval for introduction of the pension scheme proposed by the appellant Bank to its employees covered under the Rules 1978. In pursuance thereof, the amendment was carried out in the Rules, 1978 and Rule 15(ii) was introduced authorizing the Board of Directors to formulate pension scheme with the approval of the Registrar Cooperative Societies, Punjab. For the purpose of reference, Rule 15(ii) is extracted hereunder:“

15 (i) Provident Fund: The employees shall be entitled to the benefit of the General Provident Fund as provided in the employees Provident Fund Act, 1952 and scheme framed thereunder.

(ii) The PENSION SCHEME FOR THE EMPLOYEES/OFFICES IN THE COMMON CADRE RULES OF THE PUNJAB STATE COOPERATIVE AGRICULTURAL DEVELOPMENT BANK W.E.F.

1.4.89.

1. Short title and commencement:

i) The rules shall be called, the Punjab State Cooperative Agricultural Development Banks Employees Pension, Family Pension and General Provident Fund Rules.

(ii) These Rules shall come into force with effect from 1.4.89.

2. Application

(i) These rules shall apply to all the posts in the services specified in the Appendix 'I' of the Common Cadre Rules, provided that in case of the employees appointed by transfer from

Government Departments, these rules shall only apply to the extent specified in their terms and conditions of deputation agreed upon with the Government Department concerned.

Provided further that nothing in these rules shall affect the application of any other law, statutory rules, byelaws and regulations for time being in force.

Provided further that an employee who joins service on or after coming into force of these rules and such existing employees, who opt for these rules, shall be covered by these rules. All categories of employees shall have to exercise this option in Form A to these rules within three months from the date of notification of these rules.

(ii) The employees who do not opt for these rules shall be governed by the Employees Provident Fund Act and Rules.

3. Definition:XXXXXX XXX XXX

(o) Pay:Pay means the pay as defined in Rule 2.44 of the Punjab Civil Services Rules Volume-I Part-I. Note:Unless the contrary appears from the context or subject to term 'pay' defined in Rule 2.44 of the Punjab Civil Services, Volume-I, Part-I, does not include "Special Pay."

10. In furtherance thereto, the amended Rule 15(ii) came into force with effect from 1st April, 1989. In sequel to the introduction of implementation of the scheme, the contributions made by the employees and the appellant Bank were transferred to create the pension corpus fund to make it functionally viable and a trust was created by a trust deed dated 24th March, 1993 for management and effective implementation of the scheme.

11. It reveals from the record that the employees of the appellant Bank who had opted for pension became members of the pension scheme and continued to derive the benefit of pension after they had opted for it till the year 2010. Later, when the appellant Bank found the scheme to be unviable on account of financial constraints, the Board of Directors of the appellant Bank in its meeting dated 29th May, 2010 in reference to Agenda No. 15 reconsidered the matter about giving pension to the bank employees and resolved as under:

1. Pension to the retired employees and those going to retire in future be communicated.

2. Pension Scheme will not be applicable in case of employees employed on or after 1.1.2004.

3. Pensioners be not given the benefit of commutation of pension, medical reimbursement and LTC.

4. As per existing rules, the contribution equal to the 12% GPF deduction of employees to be continued by bank.

5. As per letter No.CA3/64/13717 dated 29.8.2008 of Registrar, Cooperative Societies, 12% of the profits of SADB & PADBs be allocated to employees benefit fund and its 90% share be contributed to the pension fund.

6. Bank to continue pension from its funds/expenses by stopping the commutation of pension, medical reimbursement and LTC facilities to its employees and retired employees, imposing 25% deduction on eligible amount of pension and after adjusting the pension amount against SADB/PADBs profits according to rules be made up on the basis of outstanding loans of SADB and PADBs.

7. As and when there is improvement in the financial condition of bank, the payment of full pension may be considered.

12. The appellant Bank sent a letter dated 9th June, 2010 to the Registrar, Cooperative Societies, Punjab, seeking approval of the aforesaid Resolution. The Registrar, Cooperative Societies, Punjab, vide its letter dated 3rd September, 2010 issued directions to the appellant Bank to review its proposal. Pursuant thereto, the appellant Bank submitted its revised proposal to the Registrar, Cooperative Societies, Punjab, on 30th March, 2011 to proceed with the pension scheme in accordance with Resolution No. 15 dated 29th May, 2010. Although the proposal was turned down by the Registrar, Cooperative Societies, Punjab, Chandigarh still the Board of Directors of the appellant Bank vide its Resolution dated 17th August, 2012 decided to discontinue the pension scheme and revert to the scheme of Contributory Provident Fund with a proposal of One Time Settlement. The Board of Directors, later in exercise of its powers vested in Section 84A(2) of the Punjab Cooperative Societies

Act, 1961 with the prior approval of the Registrar, Cooperative Societies made amendment in Rule

15 of the Rules, 1978 by order dated 11th March, 2014. Pursuant thereto, Rule 15(ii) stood deleted. The order dated 11th March, 2014 is reproduced hereunder:

O/o Registrar, Cooperative Societies, Punjab, Chandigarh

(Credit Branch1)

To

The Managing Director,

The Punjab State Cooperative Agri. Dev. Bank Ltd., Chandigarh.

Memo. Credit/CA3/2841 Dated: 11.03.2014

Sub:Amendment in Clause 15 of Punjab State Cooperative Agricultural Development Bank Service Common Cadre Rules, 1978.

Ref: Your office letter No. Admn/S07/11984 dated 27.01.2014

This office has received a proposal on the subject cited above.

After examining the proposal and the legal opinion sent by the Bank, in exercise of powers vested vide Section 84A(2) of the Punjab Cooperative Societies Act 1961, Registrar Cooperative Societies, is pleased to allow the following amendments in the Punjab State Cooperative Agricultural Development Bank Service Common Cadre Rules 1978 as under:

Rule Existing	Amended
15 (i) Provident Fund The employees shall be entitled to the benefit of the General Provident Fund as provided in the employees Provident Fund Act, 1952 and scheme framed thereunder.	(i) The employees shall be entitled to the benefits of the Contributory Provident Fund as provided in the Emplys Provident Fund & Miscellaneous Act, 1952 and schemes framed thereunder.
(ii) The Pension Scheme for the employees/officers in the common cadre rules of the Punjab State Cooperative Agricultural Development Bank w.e.f. 01.04.1989.	(ii) Deleted.

13. It reveals from the record that since the appellant Bank much before the amendment had

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stopped making payments of pension in terms of Rule 15(ii) of the Rules 1978, the employees approached the High Court under Article 226 of the Constitution by filing writ petitions and various interim orders were passed from time to time and even at one stage, it was decided to introduce a proposal of one time settlement which was furnished by the appellant Bank on 16th October, 2012 in the pending proceedings before the High Court and, as informed, few of the employees have settled their claims under the One Time Settlement but it will be appropriate to notice at this stage that while the proceedings were pending before the Division Bench of the High Court, by Order dated 24th January 2014, it was made clear that one time settlement which has been implemented after seeking approval of the competent authority shall be without prejudice to the legal rights of the applicant/respondent employees. The Order dated 24th January, 2014 is reproduced hereunder: "CM109LPA2014

Allowed as prayed for. Document Annexure A1 is taken on record subject to such exceptions.

CM stands disposed of. CM71LPA2014 in LPA20012013

Notice to the nonapplicant/appellants. Ms. Jaishree Thakur, Advocate accepts notice.

After hearing learned counsel for the parties and keeping in view the fact that since One Time Settlement scheme has already been implemented after seeking approval of the competent authority, this application is disposed of with a clarification that the implementation of the said scheme shall be without prejudice to the legal rights of the applicant/respondents."

14. This fact can be further noticed that the learned Single Judge of the High Court decided the writ petitions by a Judgment dated 31.08.2013 and Rule 15(ii) was deleted by the appellant Bank by Order dated 11.03.2014 while the proceedings were pending in LPA before the High Court.

15. The learned Single Judge of the High Court held that the employees of the appellant Bank, having served the Bank were covered under the scheme which was applicable at the given time under the Act 1952 (prior to 1989). It is the appellant Bank which accepted the recommendations of the State Government and solicited options from the

employees as to whether they wanted to opt for a pension scheme which became applicable after the amendment was made under the Rules 1978 and after a conscious decision, Rule 15(ii) was introduced, it could not be justified to circumvent the impact of the amended rule and thus create a situation which would have the effect of defeating the rights which are conferred upon the employees to seek pension under the rules which became applicable with effect from 01.04.1989 and finally held that the employees are entitled to regular pension including revised rates of dearness allowance, to all the employees who became member of the pension scheme under the Rules 1978.

16. When the matter travelled to the Division Bench of the High Court, by that time, the amendment was made by an Order dated 11.03.2014 and Rule 15(ii) was deleted. The Division Bench, after taking note of the submissions made by the parties observed that the decision to frame the pension scheme was a conscious decision of the appellant Bank taken in its own wisdom and corresponding rules were introduced and made applicable from 01.04.1989 and Rule 15(ii) was deleted on 11th March, 2014. In the interregnum, the employees became members of the pension scheme and were paid their regular pension for sufficient time which cannot be defeated and taken away retrospectively detrimental to their interest. The amendment which has taken away the vested and accrued right of the employees to get pension and that too with retrospective effect would be violative of Article 14 of the Constitution and disposed of the LPA with a declaration that amendment dated 11th March, 2014 under Rules 1978 shall apply prospectively.

17. The judgment of the Division Bench of the High Court dated 29th July, 2019 became subject matter of challenge at the instance of the appellant Bank and by the serving employees who have claimed that their right to get pension may be affected in future, and have approached this Court ventilating their grievances in the instant proceedings.

18. It may be relevant to note that before the High Court, at different stages, different counter affidavits were filed by the Regional Provident

Fund Commissioner(RPFC) with reference to the grant of exemption after the Employees Pension Scheme 1995 became the part of the Act 1952.

19. It has been stated in the counter affidavit filed by the RPFC under the Act 1952 that earlier it was erroneously mentioned “granted exemption from pension scheme”, but that was a factually incorrect statement recorded and the RPFC has made an unconditional apology for making such a statement of fact. It is the admitted case of RPFC that neither any application was filed by the appellant Bank seeking exemption from the employees pension scheme nor it was granted or refused.

20. The stand of the EPFC is that Employees’ Provident Funds Scheme, 1952 and Employees’ Pension Scheme, 1995 both are designed to secure a minimum core of old age/terminal social security. Neither of these schemes exhaust an employee’s right to social security. According to the EPFC, the bank’s promise to supplementary pension outside of EPF must be evaluated in that light.

21. It is further stated that the benefits under bank’s pension scheme can only be understood as supplementary and not substitutionary because the bank’s pension scheme did not provide for dependents’ pension, nominees’ pension, childrens’ pension or withdrawal benefits. This only provides a far narrower pensionary cover to its employees. Its pension scheme could not be considered for exemption under Section 17(1C) of the Act.

22. Learned counsel for the appellant Bank submits that it has not been considered by the High Court that the appellant Bank had framed a pension scheme subject to approval of the competent authority. Even though, the appellant Bank had not applied for seeking approval/exemption from the authority, still the fact remains that in the absence of the approval being granted by the competent authority, the retirees were entitled to receive pension until the scheme remain in operation, i.e., upto 31st October, 2013.

23. Learned counsel further submits that if the employees are being permitted to get pension under the scheme of the Bank after 31st October 2013 and also statutory pension from Regional Provident Fund Commissioner under the Act 1952,

indeed there shall be payment of double pension which is in either way not permissible in law.

24. Learned counsel further submits that the employee is entitled for pension but how the pension is to be computed, no one can claim any vested/accrued right. It is not the case of the respondents that they are not being paid pension. It was paid earlier under the pension scheme introduced by the Bank from the year 1989 until it remained in force till 31st October 2013 and thereafter, the employees are entitled to get a statutory pension as per the Employees Pension Scheme 1995 under the provisions of the Act 1952. Thus, plea of vested right which has been considered by the High Court is completely misplaced and as long as the appellant Bank fulfils its statutory liability under the provisions of the Act 1952, which they are under an obligation to comply with, the employees are not entitled to claim pension under the scheme introduced by the Bank after it stands withdrawn with effect from 31st October, 2013 and thus no vested/accrued right of the employee is in any manner has been defeated and a finding recorded by the High Court to continue the bank pension scheme after it stood deleted is not sustainable in law and deserves to be interfered by this Court.

25. In support of his submissions, learned counsel placed reliance on the judgments of this Court in *Marathwada Gramin Bank Karamchari Sanghatana and Another Vs. Management of Marathwada Gramin Bank and Others*¹, *State of Rajasthan Vs. A.N. Mathur and Others*² and *State of Himachal Pradesh and Others Vs. Rajesh Chander Sood and Others*³.

26. Learned counsel further submits that the pension scheme introduced by the Bank later became financially unviable and the number of retirees in comparison to the existing employees recruited after 1st January, 2004 is almost three times and if the appellant Bank is mandated to continue to make payment of pension under Bank Pension Scheme, the Bank will become defunct and the contribution towards pension made by the serving employees will be futile and they will get nothing at the time of their retirement. The Bank has earned a meagre profit in the later years and still, in the given circumstances, the appellant

Bank, if allowed to make over pension in terms of the judgment impugned, there will be no option left except to close down the Institution in such an eventuality and that apart it has created a wide gap of inequality between the serving employees and the retirees without resorting to exemption from the RPFC.

27. Learned counsel submits that the RPFC has initiated separate proceedings under Section 7A of the Act 1952 for the year April 1989 to March 2015 and for the year April 2015 to June 2017, imposing liability on the Bank by an Order dated 14th September, 2015 and 31st August, 2017 respectively. At the same time, separate proceeding under Section 14B for damages and Section 7Q for interest were also instituted and in terms of orders passed by the Authority, demand raised pursuant thereto has been deposited by the appellant. In the given circumstances, the Regional Provident Fund Commissioner has recovered towards pension fund contribution along with damages and interest for the period commencing from April 1989 to August 2017. At the same time, the appellant has been asked to pay pension to the retirees under the Bank Pension Scheme in terms of the impugned judgment to the employees who are covered at one stage under the scheme. It will almost be a double payment to the employees which is over and above the payment which was admissible to the employees in terms of statutory pension scheme 1995 under the Act 1952 and that apart, there are categories of employees who have settled their accounts under one time settlement which was approved by the Government and if the Judgment is to be implemented in rem, it will not only be a double payment of pension but a great financial distress to the Bank which is otherwise not permissible in law.

28. Per contra, Mr. P.S. Patwalia, learned senior counsel for the respondents submits that indisputedly the present respondents who were writ petitioners before the High Court are the retired employees and after amendment was made under the scheme of Rules 1978, they became its member and started getting pension in terms of the scheme under the Rules with effect from 1st April, 1989 and without any justification, the

appellant Bank unilaterally stopped full pension to the respondent pensioners in the year 2010 and that was the stage when the retired employees were constrained to approach the High Court wherein it was held that

these pensioners are entitled to pension in terms of the scheme. To overcome the judgment dated 31st August, 2013 of the learned Single Judge of the High Court of Punjab and Haryana, by Order dated 11th March 2014, Rule 15(ii) was deleted and by deleting the said rule, it has taken away the vested right of the retired employees and their service conditions have been altered retrospectively to the detriment of the retired employees which is violative of Articles 14 and 21 of the Constitution.

29. Learned counsel further submits that so far as the scheme under the Act 1952 is concerned, the employees pension scheme was introduced under the Act 1952 for the first time in 1995 and it is nowhere related to the pension scheme introduced by the appellant under its Resolution No. 24 dated 22nd June, 1989 with effect from 1st April, 1989 and the appellant Bank neither sought any exemption under Section 17(1C) of the Act 1952 nor it was required for the reason that the Bank introduced the pension scheme in the year 1989. At that time, there was no such pension scheme under the Act 1952 and once it is made clear that exemption was never sought by the appellant Bank, under the Act 1952, at least the vested right which has been accrued to the respondents cannot be taken away retrospectively which is not sustainable and this what the Division Bench has held in the impugned judgment.

30. The reliance has been placed on the Constitution Bench Judgment of this Court in *Chairman, Railway Board and Others Vs. C.R. Rangadhamaiah and Others* followed with *U.P. Raghavendra Acharya and Others Vs. State of Karnataka and Others*⁵ and *Bank of Baroda and Another Vs. G. Palani and Others*⁶.

31. Learned counsel further submits that more than half of the respondents are in the age group of 73 to 80 years and one third of the retirees have already expired during pendency of litigation and it is the appellant Bank who had in its own volition introduced the scheme and the respondent

employees have exercised their option to be governed by the said scheme and the employees have also foregone their Contributory Provident Fund. In the given circumstances, the rights which are conferred and vested in favour of the respondent employees could not be divested by the appellant in an arbitrary manner which is in violation of Article 14 of the Constitution.

32. Learned counsel submits that so far as the One Time Settlement scheme is concerned, it was introduced to mitigate the problem due to withdrawal of pension scheme as an interim measure under the orders passed by the High Court. Since there was no option left to the employees who became hand to mouth, some of them have accepted under the One Time Settlement scheme but the Division Bench by its interim order made it clear that acceptance of one time settlement shall be without prejudice to their legal rights, in the given circumstances, what has been paid under One Time Settlement scheme to few of the employees is always adjustable under the scheme to which they are entitled for under the law. The scheme was in vogue for more than two decades and it is not open for the appellant Bank to take away their vested rights in an arbitrary manner and deprive them the benefit of pension which is in vogue since 1989 so far as the retirees are concerned.

33. Mr. Siddharth, learned counsel for the Regional Provident Fund Commissioner submits that the appellant bank is covered under the provisions of the Act 1952 and under the Act, three schemes have been framed, firstly, Employees Provident Fund Scheme 1952 (EPFS) which establishes a contributory provident fund under Sections 5 and 6 of the Act. Employers and employees contribute to the provident fund in equal measure at the prescribed rates notified by the authority competent under the law from time to time. However, presently there is 12% employees' monthly wages. Secondly, there is Employees' Pension Scheme 1995 (EPS) scheme framed under Section 6A of the Act, 1952 which replaces the earlier Employees' Family Pension Scheme, 1971 (FPS). Family Pension Scheme provided for pension to the dependents of such employees who died in harness. EPS, on the other hand, is a

comprehensive pension scheme that provides superannuation pension, early pension and dependents' pension. It is funded by diverting a part of the employers' share of contribution made to EPFS into the pension fund (presently 8.33% of monthly wages).

Employees do not contribute under EPS. The third scheme is Employees' Deposit Linked Insurance Scheme, 1976. The Bank sought exemption from EPFS under Section 17(1)(b) and from EDLIS under Section 17(2A). The fate of exemption and its consequence may not be relevant so far as the present dispute raised in the instant proceedings is concerned, at the same time, it is being specifically stated that the appellant Bank did not seek any exemption from the operation of Employees' Pension Scheme after 16th November, 1995.

34. Learned counsel further states that, in the interregnum, since the appellant Bank failed to deposit its due contributions, first under the Family Pension Scheme and later under the Employees Pension Scheme for the period commencing from 1st April 1989 to 31st March 2015 and from April 2015 to June 2017, separate proceedings were initiated under Section 7A followed with damages under Section 14B and interest under Section 7Q and final assessments have been made after affording opportunity to the appellant Bank. Pursuant thereto, money has been deposited but that has nothing to do with the pension scheme introduced by the Bank which can only be understood as supplementary and not substitutionary for the reason that the Bank Pension Scheme did not provide for dependent's pension, children's pension or withdrawal benefits and such benefits are designed only under the Employees Pension Scheme 1995 introduced under the provisions of the Act 1952.

35. Mr. Gurminder Singh, learned senior counsel for the serving employees submits that that as per the pension scheme introduced by the appellant Bank, the employees have to make their own contribution and looking to the depleting strength of the serving employees, their contribution is being utilized for payment of pension to the retired employees and bank is throughout harping upon the plea that because of financial distress, it is not

possible for the Bank to continue with the pension scheme any more and that is the reason for which the pension scheme was withdrawn by the Bank at a later stage and that affects the interest of the serving employees whose entire employees' contribution is being utilized against the payment of pension to the retirees and consistently, there is a shortfall of employer's share of inservice employees and this practice if being continued any more, by the time the serving employee will retire, they will not be able to get pension despite they have undertaken their contribution while in service.

36. The undisputed fact according to the learned counsel is that the retirees are being paid their pension under the Bank pension scheme at the cost of the serving employees and it affects the interest of the serving employees which is being jeopardized.

37. Learned counsel in alternate further submits that the class of the employees either retired/serving should be dealt with the same standards/yardsticks and one retiral scheme should be followed for all the employees regardless of the fact that whether they are serving or retired and it will be unjust if the Bank pension scheme is allowed to continue at the cost of serving employees which would deprive them of their right to pension introduced by the Bank to which they are otherwise entitled for under the law.

38. We have heard the learned counsel for the parties and with their assistance perused the material available on record.

39. The facts are not in dispute that the respondents are the retired employees and members of the Punjab State Cooperative Agricultural Development Bank Limited, Chandigarh and they were earlier the members of the Employees Provident Fund Scheme under the Act 1952. The scheme was being duly adhered to and necessary contributions were made over by the employees and employer Bank. Later on, with the recommendation of the Punjab Pay Commission, regarding introducing the pension scheme, the Administrator of the appellant Bank vide its Resolution dated 22nd June, 1989 decided to implement the recommendations of the State Government and as a consequence thereof, the

pension scheme for the employees and Officers in the Rules 1978 was introduced with effect from 1st April 1989.

40. Accordingly, the Rules 1978 were amended and Rule 15(ii) was introduced authorizing the Board of Directors to formulate pension scheme with the prior approval of the Registrar Cooperative Societies, Punjab. Pursuant thereto, the amendment was made with an option that such of the employees who opt for the rules (pension scheme) shall be covered by these rules. At the given time, such employees who do not opt for these rules shall be governed by Act, 1952.

41. Indisputably, all the respondent employees were given the option to become member of the pension scheme on being retired from service and they continued to derive the benefit of pension after they had opted continuously until the year 2010 and only thereafter, the litigation started when the appellant Bank stopped making payment of pension in terms of the Bank pension scheme. Although the Bank pension scheme will not apply in cases to employees employed on or after 1st January 2004. Later on, the Bank took a decision by deleting Rule 15(ii) of pension scheme by an amendment dated 11th March, 2014 and that became the cause of grievance of the employees in questioning the action of the Bank by approaching the Courts for ventilating their grievance.

42. The question that emerges for consideration is as to what is the concept of vested or accrued rights of an employee and at the given time whether such vested or accrued rights can be divested with retrospective effect by the rule making authority.

43. The concept of vested/accrued right in the service jurisprudence and particularly in respect of pension has been examined by the Constitution Bench of this Court in *Chairman, Railway Board and Others (supra)* as follows:—

11. On the basis of the said decision of the Full Bench of the Tribunal, other Benches of the Tribunal at Bangalore, Hyderabad, Allahabad, Jabalpur, Jaipur, Madras and Ernakulam have passed orders giving relief on the same grounds. These appeals and special leave petitions have been filed against the decision of the Full Bench

and those other Benches of the Tribunal. Some of these matters were placed before a Bench of three learned Judges of this Court on 28.3.1995 on which date the following order was passed:

“Two questions arise in the present case, viz., (i) what is the concept of vested or accrued rights so far as the government servant is concerned, and (ii) whether vested or accrued rights can be taken away with retrospective effect by rules made under the proviso to Article 309 or by an Act made under that article, and which of them and to what extent. We find that the Constitution Bench decisions in *Roshan Lal Tandon v. Union of India* (1968) 1 SCR 185; *B.S. Vadera v. Union of India* (1968) 3 SCR 575 and *State of Gujarat v. Raman Lal Keshav Lal Soni* (1983) 2 SCC 33 have been sought to be explained by two three Judge Bench decisions in *K.C. Arora v. State of Haryana* (1984) 3 SCC 281 and *K. Nagaraj v. State of A.P.* (1985) 1 SCC 523 in addition to the two Judge Bench decisions in *P.D. Aggarwal v. State of U.P.* (1987) 3 SCC 622 and *K. Narayanan v. State of Karnataka* 1994 Supp (1) SCC 44. Prima facie, these explanations go counter to the ratio of the said Constitution Bench decisions. It is not possible for us sitting as a three Judge Bench to resolve the said conflict. It has, therefore, become necessary to refer the matter to a larger Bench. We accordingly refer these appeals to a Bench of five learned Judges.”

44. This Court, after taking note of the earlier view on the subject further held in *Chairman, Railway Board and Others (supra)* as under:—

20. It can, therefore, be said that a rule which operates in futuro so as to govern future rights of those already in service cannot be assailed on the ground of retroactivity as being violative of Articles 14 and 16 of the Constitution, but a rule which seeks to reverse from an anterior date a benefit which has been granted or availed of, e.g., promotion or pay scale, can be assailed as being violative of Articles 14 and 16 of the Constitution to the extent it operates retrospectively.

24. In many of these decisions the expressions “vested rights” or “accrued rights” have been used while striking down the impugned provisions which had been given retrospective operation so as to have an adverse effect in the matter of promotion, seniority, substantive appointment,

etc., of the employees. The said expressions have been used in the context of a right flowing under the relevant rule which was sought to be altered with effect from an anterior date and thereby taking away the benefits available under the rule in force at that time. It has been held that such an amendment having retrospective operation which has the effect of taking away a benefit already available to the employee under the existing rule is arbitrary, discriminatory and violative of the rights guaranteed under Articles 14 and 16 of the Constitution. We are unable to hold that these decisions are not in consonance with the decisions in *Roshan Lal Tandon* (1968) 1 SCR 185, *B.S. Vadera* (1968) 3 SCR 575 and *Raman Lal Keshav Lal Soni* (1983) 2 SCC 33.

25. In these cases we are concerned with the pension payable to the employees after their retirement. The respondents were no longer in service on the date of issuance of the impugned notifications. The amendments in the rules are not restricted in their application in futuro. The amendments apply to employees who had already retired and were no longer in service on the date the impugned notifications were issued.

33. Apart from being violative of the rights then available under Articles 31(1) and 19(1)(f), the impugned amendments, insofar as they have been given retrospective operation, are also violative of the rights guaranteed under Articles 14 and 16 of the Constitution on the ground that they are unreasonable and arbitrary since the said amendments in Rule 2544 have the effect of reducing the amount of pension that had become payable to employees who had already retired from service on the date of issuance of the impugned notifications, as per the provisions contained in Rule 2544 that were in force at the time of their retirement.” (emphasis supplied)

45. Later, in *U.P. Raghavendra Acharya and Others* (supra), the question which arose for consideration was that whether the appellants who were given the benefit of revised pay scale with effect from 1st January, 1996 could have been deprived of their retiral benefits calculated with effect therefrom for the purpose of calculation of pension. In that context, while examining the scheme of the Rules and relying on the

Constitution Bench Judgment in *Chairman, Railway Board and Others* (supra), this Court observed as follows:“

22. The State while implementing the new scheme for payment of grant of pensionary benefits to its employees, may deny the same to a class of retired employees who were governed by a different set of rules. The extension of the benefits can also be denied to a class of employees if the same is permissible in law. The case of the appellants, however, stands absolutely on a different footing. They had been enjoying the benefit of the revised scales of pay. Recommendations have been made by the Central Government as also the University Grant Commission to the State of Karnataka to extend the benefits of the Pay Revision Committee in their favour.

The pay in their case had been revised in 1986 whereas the pay of the employees of the State of Karnataka was revised in 1993. The benefits of the recommendations of the Pay Revision Committee w.e.f. 11/1996, thus, could not have been denied to the appellants.

30. In *Chairman, Rly. Board v. C.R. Rangadhamaiah* (1997) 6 SCC 623, a Constitution Bench of this Court opined :

“33. Apart from being violative of the rights then available under Articles 31(1) and 19(1)(f), the impugned amendments, insofar as they have been given retrospective operation, are also violative of the rights guaranteed under Articles 14 and 16 of the Constitution on the ground that they are unreasonable and arbitrary since the said amendments in Rule 2544 have the effect of reducing the amount of pension that had become payable to employees who had already retired from service on the date of issuance of the impugned notifications, as per the provisions contained in Rule 2544 that were in force at the time of their retirement.”

31. The appellants had retired from service. The State therefore could not have amended the statutory rules adversely affecting their pension with retrospective effect.”

46. Later, in *Bank of Baroda and Another* (supra), the question arose with respect to the employees who retired or died while in service on or after 1st April 1998 and before 31st October, 2002 to whom

benefits were vested and accrued could be deprived of their retiral benefits. In this context, while taking note of the view relying on the Constitution bench Judgment in *Chairman, Railway Board and Others (supra)*, this Court observed as under:“

29. Thus, in our opinion, the Regulations which were in force till 2003, would apply with full force and as a matter of fact, the amendments made in it by addition of Explanation (c) in Regulation 2(s) did not have the effect of amending the Regulations relating to pension, as contained in Regulation 38 read with Regulations 2(d) and 35 of the Regulations of 1995. Even otherwise, if it had the effect of amending the pay and perks ‘average emoluments’, as specified in Regulation 2(d), it could not have operated retrospectively and taken away accrued rights. Otherwise also, it would have been arbitrary exercise of power. Besides, there was no binding statutory force of the so called Joint Note of the Officers’ Association, as admittedly, to Officers’ Association even the provisions of Industrial Disputes Act were not applicable and joint note had no statutory support, and it was not open to forgo the benefits available under the Regulations to those officers who have retired from 1.4.1998 till December 1999 and thereafter, and to deprive them of the benefits of the Regulations. Thus, by the Joint Note that has been relied upon, no estoppel said to have been created. There is no estoppel as against the enforcement of statutory provisions. The Joint Note had no force of law and could not have been against the spirit of the statutory Regulations and the basic service conditions, as envisaged under the Regulations framed under the Act of 1970. They could not have been tinkered with in an arbitrary manner, as has been laid down by this Court in *Central Inland Water Transport Corporation Limited & Anr. vs. Brojo Nath Ganguly & Anr.*, (1986) 3 SCC 156 & *Delhi Transport Corporation vs. D.T.C. Mazdoor Congress*, (1991) Supp.1 SCC 600.”

47. The exposition of the legal principles culled out is that an amendment having retrospective operation which has the effect of taking away the benefit already available to the employee under the existing rule indeed would divest the employee

from his vested or accrued rights and that being so, it would be held to be violative of the rights guaranteed under Articles 14 and 16 of the Constitution.

48. In the instant case, the Bank pension scheme was introduced from 1st April 1989 and options were called from the employees and those who had given their option became member of the pension scheme and accordingly pension was continuously paid to them without fail and only in the year 2010, when the Bank failed in discharging its obligations, respondent employees approached the High Court by filing the writ petitions. The Bank later on withdrawn the scheme of pension by deleting clause 15(ii) by an amendment dated 11th March, 2014 which was introduced with effect from 1st April, 1989 and the employees who availed the benefit of pension under the scheme, indeed their rights stood vested and accrued to them and any amendment to the contrary, which has been made with retrospective operation to take away the right accrued to the retired employee under the existing rule certainly is not only violative of Article 14 but also of Article 21 of the Constitution.

49. It may also be noticed that there is a distinction between the legitimate expectation and a vested/ accrued right in favour of the employees. The rule which classifies such employee for promotional, seniority, age of retirement purposes undoubtedly operates on those who entered service before framing of the rules but it operates in futuro. In a sense, it governs the future right of seniority, promotion or age of retirement of those who are already in service.

50. For the sake of illustration, if a person while entering into service, has a legitimate expectation that as per the then existing scheme of rules, he may be considered for promotion after certain years of qualifying service or with the age of retirement which is being prescribed under the scheme of rules but at a later stage, if there is any amendment made either in the scheme of promotion or the age of superannuation, it may alter other conditions of service such scheme of rules operates in futuro. But at the same time, if the employee who had already been promoted or fixed in a particular pay scale, if that is being taken away by the impugned

scheme of rules retrospectively, that certainly will take away the vested/accrued right of the incumbent which may not be permissible and may be violative of Article 14 and 16 of the Constitution. 51. The judgment on which learned counsel for the appellant Bank has placed reliance in the case of *Marathwada Gramin Bank Karamchari Sanghatana and Another*(supra), the issue under consideration was with respect to provident fund. The Marathwada Gramin Bank had floated a provident fund scheme built on better rates of contributions than the rates mandated under the employees provident fund scheme. Hence, the better scheme of provident fund was statutorily recognized by grant of exemption under Section 17(1). Later, Marathwada Gramin Bank discontinued its provident fund scheme for financial unviability, and reverted to rates mandated under paragraph 26 of the EPFS. The Bank later declined to exercise its voluntary contribution under Para 26 of the scheme after the exemption was declined and that came to be upheld by this Court which may not be of any assistance to learned counsel for the appellant in the instant case.

52. So far as the judgment in *State of Himachal Pradesh and Others*(supra) is concerned, it was a case where apart from the scheme under the provisions of Act 1952, the State of Himachal Pradesh framed another scheme for the Himachal Pradesh Corporate Sector Employees Pension (Family Pension, Commutation of Pension and Gratuity) Scheme, 1999. It was made operational with effect from 1st April 1999 but before the rights to the employees could be vested/accrued, it was repealed on 2nd December, 2004.

The question arose whether such contingent right vested with the employee on their having once opted under 1999 scheme was at all be binding or irrevocable despite being repealed by a later notification dated 2nd December, 2004. In that context, this Court observed that it was not the case of the right which accrued to the employee and in that context, the repealing notification was upheld by this Court.

53. In *State of Rajasthan*(supra), it was a case where the University which was an autonomous body created under the provisions of the Act by

its Resolution introduced the pension scheme, without taking recourse of the fact that the Resolution of the Board of the Management of the University can be enforced only with prior approval from the Chancellor, i.e., the Governor of the State in terms of Section 39 of the Act and it was never approved by the Chancellor, in absence whereof, such resolution of the Board of Management was unauthorized and was not open to be implemented. In the given circumstances, this Court was of the view that in absence of the mandate of Section 39 being complied with, the Board of Management of the University was not justified in introducing the scheme of pension.

54. So far as the submission made by learned counsel for the appellant about the financial distress of the appellant Bank to justify the impugned amendment to say that it may not be possible to continue the grant of pension any more is concerned, suffice to say, that the rule making authority was presumed to know repercussions of the particular piece of subordinate legislation and once the Bank took a conscious decision after taking permission from the Government of Punjab and Registrar, Cooperative, introduced the pension scheme with effect from 1st April 1989, it can be presumed that the competent authority was aware of the resources from where the funds are to be created for making payments to its retirees and merely because at a later point of time, it was unable to hold financial resources at its command to its retirees, would not be justified to withdraw the scheme retrospectively detrimental to the interests of the employees who not only became member of the scheme but received their pension regularly at least upto the year 2010 until the dispute arose between the parties and entered into litigation.

55. In our view, nonavailability of financial resources would not be a defence available to the appellant Bank in taking away the vested rights accrued to the employees that too when it is for their socioeconomic security. It is an assurance that in their old age, their periodical payment towards pension shall remain assured. The pension which is being paid to them is not a bounty and it is for the appellant to divert the resources from where the funds can be made available to

fulfil the rights of the employees in protecting the vested rights accrued in their favour.

56. So far as the submission made by the serving employees is concerned, they have no locus to question. At the same time, their apprehension as being projected to this Court is completely misplaced for the reason that employer/employees contribution is being provided under the employees pension scheme(EPS) of the Act 1952 which is made applicable to the serving employees and they are entitled to get pension in terms of the provisions of the Act 1952. So far as their complaint regarding payment of contribution is concerned, it is in no manner going to be adjusted for payment of pension to retirees/respondents, who are entitled to get their pension in terms of the pension scheme of which they are members and it is for the appellant Bank to reserve the resources and make payment to the retired employees seeking pension to the scheme in vogue when they became members and took benefits pursuant thereto.

57. Before we part with the judgment, we cannot be oblivious of the situation that the complaint of the employees that they are not being paid their pension since 2013, at the given time few employees have been given benefit of one time settlement as introduced by the Bank as an interim measure which was subject to their rights being preserved, in the pending litigation, taking grievance of the either party into consideration, the financial constraints of the Bank and the rights of the employees who are entitled to get pension under the bank pension scheme, we consider

appropriate to observe that so far as the arrears towards element of pension to which the retired employees are entitled for, the appellant Bank is at liberty to pay arrears towards pension upto 31st December, 2021 in 12 monthly instalments in the next one year by the end of December, 2022 and those employees who have accepted payment under one time settlement at a given point of time, what is being paid to them is always open for adjustment against arrears of their due pension. Still if arrears remain outstanding, the same shall be paid in 12 monthly instalments. At the same time, each of the employee who is member of the Bank Pension scheme must get pension to which he/she is entitled from the month of January 2022 as admissible under the law.

58. So far as the complaint of the appellant Bank regarding orders passed under Section 7A, Section 14B and Section 7Q of the Act 1952 for the period April 1989 to March 2015 and for April 2015 to June 2017, copies of which has been placed on record is concerned, are not the subject matter of challenge in the instant proceedings, it will be open for the appellant to take legal recourse, if being aggrieved in the appropriate proceedings available under the law.

59. Consequently, the appeals fail and are accordingly dismissed with observations indicated above.

60. Pending applications, if any, stand disposed of.
J. (AJAY RASTOGI)

J. (ABHAY S. OKA)

NEW DELHI JANUARY 11, 2022

Affiliates please send :

Your activity report in English (duly typed) latest by 20th of every month, quoting your affiliation no. Pincode and Contact No. to BPS office 2/13A LGF (Backside) Jangpura A Hospital Road New Delhi 110014 e-mail : bharatpensioner@gmail.com.

Please send your reports in Hindi (duly typed) in word format to BPS office 2/13A LGF (Backside) Jangpura A Hospital Road New Delhi 110014 e-mail : bharatpensioner@gmail.com.

Railway Pensioners Palani: A monthly Meeting of the members of Railway Pensioners Palani was held on 05th April 2022 under the Supervision of Treasurer Shri R Jaganadhan, who presided over the function. The Presiding Officer encouraged the members to boost the morale of all during the difficult time of COVID-19. In continuation the Secretary of the branch Sri. D. Krishnamurthy intimated reg. the latest orders for cashless treatment in Rly. Recognized Hospital at Dindigul and the position of divn. Authorities for implementation. He further intimated about the increased DR. and so on'. He also explained how the family and children were deprived of PRCP on demise of the bread winner of the family who died in harness. A resolution is passed and to be brought to the notice of the Gen. Sec. PAR/SC.

In this regard. The meeting ended with a cup of tea on a happy note. The Officiating Presiding Officer thanked every member who attended the meeting. Secretary Railway Pensioners Palani

Gondia: The 29th Annual General Meeting of SEC Railway Pensioners Association was held on 5th March 2022. The Function was presided over by the Shri B N Poddar Ex Senior Section Engineer (PW). Shri P V Raman, Secretary Nagpur branch was invited as Chief Guest. About 250 members of the Association attended the Function. The function stated by lighting the divine Lamp by the President and Chief Guest. The Secretary of the Branch presented the financial position and other points from the branch side and the expenditure was passed by the house. All the Super Sr Citizens who crossed 75/80 Years were honored by presenting a shawl to each. The Chief guest spoke very of the Association. The President Shri Banerjee

briefed about the utility of UMID Card. The meeting ended on a happy note after taking lunch with all. President

SEC Rly Pensioners Association, Gondia branch

New Delhi: AGM of Forum for Excellence Former MES Officers, New Delhi was held on 24th April 2022 under the President ship of Shri B M Kohli, former DG Pers. The meeting started after the enrolment of new members at 1200 hrs. All the members paid homage to the departed members during the period last six months. The President Shri Kohli highlighted all the points regarding requirement of the Association and present scenario of the Govt. The Gen Secretary presented the financial position of the Association in detail and other points which require attention of the members. The Expenditure was passed by voice of votes. The members have been requested to find a new body for the next Elections which are due next year. A vote of thanks was conveyed to all the members attended the function. The Meeting ended on a happy note and lunch to all the members. Two of the Super Sr members were honored with a befitting gift.

R K Chauhan, Gen Secy FEFMO

PAR/Secunderabad: Monthly meeting of Dindigul branch held on 05.04.22. The meeting Was presided by Treasurer Sri. R. Jegannadhan. Secretary of the branch Sri. D. Krishnamoorthy informed about the latest orders for cash less treatment in Rly. recognised Hospital at Dindigul & the position of divn. authorities for implementation of increased DR. and about the increase in age related pension from 65, 70, 75 and 80 yrs and so on Tea and Snacks were served. About 70 members attended. The meeting concluded with vote of Thanks by Assistant Secretary Shri KBS Manium and with singing of National Anthem.

24 Pargana, West Bengal: Central Govt Pensioners Samaj, AGM was held on at Barsat On 16-03.2022. The following new Executive Body was elected. President Shri Tapan Chakaraborty, V/President Shri Sudhansu Kumar Biswas and Sh V. K. Biswas, Secretary Shri Ashok Kumar Bhattacharjee, Treasurer Smt Krishna Mandal and 10 others members.

NEW - MEMBER

A4462	S N Subbaiah	Tirunelveli	04/23
A4463	C Ekambaram	Vellore	04/25
A4464	M K B Padhyay	West Bengal	04/25
A4465	Navnit Solanki	Surat	04/25
A4466	R Lal Sharma	Chandigarh	04/23
A4467	Gopinath Raina	Noida	04/24

AFFILIATED ASSOCIATION - RENEWAL

A4209	Postal O Pen. Assn	Hyderabad	07/23
A1708	RPWA	Solapur	05/23
M1349	Rtd Rly Emp Assn	Yard	03/24
M6208	Rly Pensioners Assn	Gondia	04/23
A2765	Pensioner Samaj	Delhi	04/23
A2774	Ktk C G Penr	Bangalore	12/23
A3430	A I Bharat Sanchar	Ahmedabad	04/23
M3750	J Rajya Pen Samaj	Jamtara	02/23
M3890	A D Darshan Pens	Jalandhar	04/23
M3663	Rly Pens Assn	Jharkhand	04/24
M5610	Rly Penr Assn	Durg	04/23
A2661	Postal Penrs Assn	Gujarat	06/23

RENEWAL - ANNUAL

A3758	Gurbachan S Mann	Panchkula	03/22
A4461	Om Prakash	Bathinda	04/23
A2020	R K Sankar	Trivandrum	04/23
M8024	S N Acharya	Jabalpur	04/23
M6239	P L Gupta	Shyamgarh	04/23
M4370	Balbir Singh	Yamuna Ngr.	07/23
A1326	A Sundararayulu	Tamil Nadu	04/23
A0224	Yograj Chowdhary	Hamirpur	04/23
A0679	Surinder S Lamba	Ferozepur	10/23
A0925	R C Gupta	Bhatinda	04/23
A4353	Rajkumar Sharma	Noida	12/22

A1237	Bansi Lal	Chandigarh	05/23
A3119	Ranjit Singh	Haryana	02/26
A4303	H G Mate	Maharashtra	04/23
A3844	Vinod K Aggarwal	New Delhi	04/23
M7039	Bansi Lal Arora	Kapurthala	04/23
M5229	K K Bhatnagar	Haryana	04/23
A2727	M R DAS	Kolkata	04/23
A4056	Bawa Singh Parmar	Hoshiarpur	05/23
A3859	Ramkrishan Saini	Pathankot	04/23

RENEWAL - BIENNIAL

M4591	B Chakraborty	West Bengal	04/24
M7037	R K Yadav	Rewari	04/24
M7865	P K Dass Gupta	New Delhi	10/24
L9973	KVR Varier	Bangalore	04/24
A1649	V K Chauffla	Rajasthan	04/24

RENEWAL - TRIENNEAL

L9174	Laxman Navani	New Delhi	04/28
M6675	O P Garg	Patiala	04/25
M4796	Daljit Singh Basi	Punjab	07/25

DONATION

L9174	Laxman Navani	New Delhi	10430/-
M4591	B Chakrabarty	West Bengal	250/-
M1349	Rtd Rly Emp Assn	Bhilai	370/-
A4465	Navnit Solanki	Surat	320/-
N M	S K Bhargamadia	Gujarat	720/-
M7037	R K Yadav	Rewari	300/-
M4796	Daljit Singh Basi	Punjab	500/-
M7865	P K Dass Gupta	New Delhi	260/-
A2727	M R Das	Kolkata	185/-
A4056	Bawa Singh Parmar	Hoshiarpur	1000/-
A1649	V K Chauffla	Rajasthan	1000/-

May-2022

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Shri Hansraj Mahi Vice President Bharat Pensioners Samaj being felicitated by Railway Pensioners Samaj Sharanpur on 23.04.2022 at the time of 9th yearly conference of Railway Pensioners Samaj SRE (N Rly)

NOTIONAL D R FOR PENSIONERS

All India CPI (IW)	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 22	March 22
Base 2001=100	359	362	361	360	360	362
% increase over 01.06.06	200.62%	201.84%	203.21%	204.65%	205.94%	207.24%
% increase over 01.01.16	33.12%	33.67%	34.27%	34.91%	35.48%	36.06%

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