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**OFFICE :: MEMORANDUM**

NO : FMP.58/82/12

Dated Dispur the 13/01/1983

Subject :- Realization of outstanding Govt. dues not covered by Death-Cum-Retirement Gratuity admissible to the retired or deceased Govt. servant.

It has come to the notice of Govt. that finalization of a good number of pension cases and family pension cases is held up for non-recovery of the outstanding dues on account of H.B. Advance, conveyance Advance, overdrawal of pay due to wrong fixation, over payment due to over stay in service etc. and the outstanding amount is more than what is admissible as D.C.R.G. to the retired/deceased Govt. servants.

The Governor of Assam, taking into consideration the fact that pension is protected under the Pension Act, 1871 is pleased to decide that the basic amount of pension and family pension in all such cases may be sanctioned and authorized irrespective of the amount of outstanding dues. This will not however apply to reliefs and allowances granted to the pensioners/ family pension holders from time to time.

The outstanding dues should first be adjusted against the D.C.R.G. The balance amount if any, may thereafter be adjusted from the amount of reliefs and allowances granted to the pensioner/family pension holders from time to time.

In suitable cases, where there is huge outstanding being the unpaid balance of H.B. Advance, Motor Car Advance etc. The Head of office in consultation with appropriate authority may consider recovery of amount by disposing of the mortgaged property in terms of the agreement executed by the loaner.

The pension and the Family pension cases which have not yet been sanctioned or finally authorized for non-recovery of the outstanding dues may be disposed of immediately on the basis of the above instructions and release of the basic amount of pension/family pension should not be held up for non-recovery of outstanding dues.

The formal amendment to the pension rules will be issued in due course.

Sd/-  
Financial Commissioner & Secy. to the  
Govt. of Assam,  
Finance Deptt.

DDP/

## SWAMY'S HANDBOOK – 2003

1. On retirement after attaining the age of superannuation;
2. When the service extended in public interest beyond superannuation, after extension;
3. When an employee retires on superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, the whole or part of cash equivalent of leave salary may be withheld to meet recoveries from him possibly arising on conclusion of the proceedings. On conclusion of the proceedings payment may be released after adjustment of Government dues, if any;
4. On termination of service by notice/payment of pay and allowances in lieu of notice or otherwise in accordance with terms and conditions of his appointment;
5. On termination of service of officials re-employed after retirement. In this case, the maximum will include the period for which encashment of leave was allowed at the time of previous retirement and also encashment availed with LTC;
6. When an employee is invalided from service on medical grounds;
7. When an employee resigns or quits service on his own accord, the lumpsum cash payment will be only to extent of half of the earned leave at his credit subject to a maximum of 150 days including the number of days for which encashment was availed along with LTC, on the date occasion from service;
8. On premature retirement under FR 56 (j) or (l) or Rule 48 of CCS (Pension) Rules.
9. On voluntary retirement under FR 56 (k) or (m) or Rule 48 or 48-A of CCS (Pension) Rules;
10. On compulsory retirement as a measure of penalty when no reduction in pension is ordered.

Encashment of half pay leave. – Officials covered by 1, 8 and 9 above and those permanent/quasi-permanent employees retired on invalidation will be **\*\*\*\*\*** also to cash equivalent of half pay leave a their credit. Encashment of earned leave up to 300 days (including the number of days for which encashment was availed along with LTC) should, as usual, be allowed in their **\*\*\*\*\*** even if the period goes beyond their normal date of superannuation. If **\*\*\*\*\*** the benefit of encashment of half pay leave is also availed of, the period of HPL *plus* EL should not extend beyond their normal date of superannuation. The cash equivalent for half pay leave is subject to reduction on account of pension relief on pension and pension equivalent of Retirement Gratuity. If the cash equivalent of half pay leave falls short of the total of pension, pension equivalent of Retirement Gratuity and relief on pension, cash equivalent by the half pay leave is not payable.