



UNIVERSITY OF DELHI

दिल्ली विश्वविद्यालय

No. Fin/ Pen. Cell/CPF-GPF/SLP/2022

Dated: 06.06.2022

The Principal

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Delhi-

Sub: Implementation of Judgment of Hon'ble Supreme Court of India delivered on 10.05.2022 in the case No.CA. No.003797-003809/2022 arising out of SLP (C) No.008892-008904 in Diary No.13901 of 2017 and 17007 of 2017 in respect of Litigant and Non-Litigants of Category I (N.C.Bakshi Batch) & Category -II (Shashikiran Batch)

Dear Sir/Madam,

Your kind attention is invited to the Judgment of the Hon'ble Supreme Court of India delivered on 10.05.2022 in respect of Litigant and Non-Litigants of Category I (N.C.Bakshi Batch) & Category -II (Shashikiran Batch) quoted in the subject matter. In this connection I am directed to inform that the common Judgment of the Hon'ble Supreme Court of India delivered on 10.05.2022 placed before the Executive Council of the University in its 1261st meeting held on 30.5.2022 and the Executive Council after detailed deliberation resolved that:

- (1) It is obligatory on the part of the University of Delhi to implement the order of 30.4.2014 of the Single Judge of Hon'ble High Court of Delhi in respect of **Category-I (N.C.Bakshi Batch)** since University of Delhi's appeal (LPA) filed at Division bench of Hon'ble High Court of Delhi & SLP at Apex Court as against the order of 30.4.2014 of the Single Judge of Hon'ble High Court of Delhi were **dismissed**.
- (2) In respect of **Category-II (Shashi Kiran Batch)**, while disposing the SLP filed by the University of Delhi, the Hon'ble Apex Court observed and ordered that **"the decision rendered by the Division bench of the High Court in Shashi Kiran batch of cases does not call for any interference except to the extent of direction for recouping of the contribution under CPF with 8% simple interest per annum"**. Hence, it is imperative that the University requires to implement the order of 24.8.2016 of Division Bench of Hon'ble High Court of Delhi.
- (3) Further, the Hon'ble Supreme Court of India directed that **"it is possible that at this length of time, some of the employees in Shashikiran batch of cases may not be interested in switchover to GPF. But an option must be afforded to them in such manner as the authorities deem appropriate"**. As observed by the Hon'ble Apex Court that an option for switching over from CPF to GPF may be obtained from the employees of the University and its constituent colleges who are in service/retired from service before processing the case.
- (4) As directed by the Hon'ble Apex Court and taking into consideration of the O.M. No.4/1/87.PIC-I dated 1st May 1987 Ministry of Finance (DoE) Notification No.5/7/2003-ECB&PR dated 22nd December,2003 an option from the employees both in service /retired who are/were in the University/College services as on 1.1.1986 and up to 31.12.2003 placed under the CPF may be submitted option form for shifting from CPF to GPF.

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Amritan
6/6/2022

- (5) The Executive Council has also resolved that after fixation of pension, the employer contribution along with 8% simple interest per annum to be refundable to the University/ Colleges may be adjusted. After adjustment of employer contribution, the pension payable to the pensioners are needs to be disbursed.
- (6) The Executive Council is authorized the Vice Chancellor to take decision for smooth and speedy disposal cases.

Considering the above, the Colleges may process the case files falling under category-I and Category-II as per the order of Hon'ble Supreme Court of India and as resolved by the Executive Council and forward the same to the University for fixation of the Pension. While sending the case files to the University, it is requested that the following needs to observed strictly to avoid any delay and objections from audit point of view:

- (i) The option form enclosed in Annexure needs to be circulated to the employees falling under Category-II in complying the Hon'ble Supreme Court order dated 10.5.2022 and the same may be forwarded to the University along with the pension proposal, personal file and service book etc.
- (ii) In order to calculate the refund/adjustment of employer contribution with 8% simple interest per annum, the details of disbursement of employer contribution may be furnished in the prescribed format given below:

Name of the employee	Designation	Date of retirement	Amount of Employer contribution disbursed	Date of disbursement of employer contribution	Category under which the employee is falling
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- (iii) The service book of the employees needs to be updated with all the necessary entries from the date of appointment to till his/her date of retirement and to ensure that all the pages of the personal file of the employees is serially numbered and neatly tagged.
- (iv) The pension documents with affixed photo/ joint photo with spouse and duly filled in and signed by the retiring employees attested by the Principal wherever necessary be sent to the pension cell of the University for processing of fixation of pension.
- (v) If an employee desirous to avail the commutation, he/she should submit the prescribed form of application for commutation of a percentage of pension along with medical certificate from the competent medical authority.
- (vi) Pay fixation/increments should be notional during the study leave/ deduction of non-qualified (EOL) period, if any, should be reviewed by the college before submitting the case for fixation of the pension.
- (vii) The service of the employee needs to be verified with PBR from the date of appointment to till his/her retirement and necessary entries to this effect be made in the service book.
- (viii) For counting of past services, LSPC/Pro-rata pension and gratuity received from the borrowing organization shall be entered in the service book.



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- (ix) The colleges may take up the matter with respective funding agencies i.e UGC or Govt. of Delhi directly for allotting/releasing of the grant for disbursement of pension/pension arrears.
- (x) In case of death of the employee falling under category-I and Category-II, the eligible members of the family as per the CCS (Pension)Rule 1972, may submit the family pension papers along with relevant documents with authorization letter for adjustment of employer contribution in the pension arrears due to them and the same may be forwarded to the University for consideration for fixation of the family pension.
- (xi) In order avoid any contempt proceedings, while processing the case files, the priority shall be given to the litigants.

Necessary action may be initiated for implementation of Judgment of the Hon'ble Supreme Court of India delivered on 10.05.2022 in respect of **petitioners under the Category-I and Category-II** on priority basis.

Yours faithfully,

Amman
16/6/2022
Finance Officer

Copy to :-

1. The Dean of Colleges, University of Delhi for kind information.
2. A.R. (Colleges), University of Delhi for kind information.
3. I.A.O., University of Delhi for kind information.
4. J. R. /Establishment (Teaching/Non-Teaching) for kind information.

Form for exercising option for General Provident Fund (GPF) –Pension-cum-Gratuity Scheme as stipulated in the Statute 28-A, Appendix ‘A’:

In pursuance of common Judgment of Hon’ble Supreme Court of India delivered on 10.05.2022 in the case No.CA. No.003797-003809/2022 arising out of SLP (C) No.008892-008904 in Diary No.13901 of 2017 and 17007 of 2017 in respect of Litigant and Non-Litigants of Category -II (Shashi Kiran Batch), and in terms of E.C. Resolution No.5/2 dated 30.5.2022:

(a) I hereby submit my option form opting under General **Provident Fund (GPF) –Pension-cum-Gratuity Scheme as stipulated in the Statute 28-A, Appendix ‘A’.** *

(or)

(b) I opt to continue to remain under **CPF –Gratuity Scheme as stipulated in the Statute 28-A, Appendix ‘B’.** *

I further to submit that I retired from the University / College services on -----, falling under category – I*/Category -II* in terms of SLP Judgment dated 10.5.2022 and I will refund the employer contribution along with 8% simple interest per annum (or) I hereby authorized to recover/adjust the employer contribution along with 8% simple interest per annum from my arrears of pension due in comply with the order dated 10.5.2022 of Hon’ble Supreme Court of India.

**Strike out whichever is not applicable.*

Full Signature

Name:

Designation:

Date of Retirement:

CPF A/c NO:

Department:

College