

No. - 28/91/2022-P&PW(B) (2)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi, Dated the 20th October, 2023

OFFICE MEMORANDUM

Subject: Procedure for adjustment and recovery of Government dues from gratuity payable under the Central Civil Services (Pension) Rules, 2021- reg.

The undersigned is directed to say that Department of Pension and Pensioners' Welfare has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. Rules 67 to 69 of the Central Civil Services (Pension) Rules, 2021 deals with Government dues which may be adjusted and recovered from the gratuity payable to a Government servant under these rules and the procedure to be followed by the Department for recovery of Government dues from Gratuity.

2.1 As per Rule 68 of the Central Civil Services (Pension) Rules, 2021 relating to adjustment and recovery of dues pertaining to Government accommodation, in the case of a Government servant who is due for retirement on superannuation, the Directorate of Estates, on receipt of intimation and details from the Head of Office shall scrutinise its records and inform the Head of Office within two months, if any licence fee was recoverable from the Government servant in respect of the period prior to eight months of his retirement. In case the Government servant has retired or is retiring otherwise than on attaining the age of superannuation, the Directorate of Estates shall inform the Head of Office within one month from the date of receipt of intimation from him, if any licence fee was recoverable from the Government servant up to the date of retirement.

2.2 If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight months of the date of his superannuation or up to the date of retirement in other cases.

2.3. In the case of retirement on superannuation, the Head of Office shall ensure that licence fee for the next eight months, that is upto the date of retirement of the allottee, is recovered every month from the pay and allowances of the allottee. Where the Directorate of Estates intimates the amount of licence fee recoverable from the Government servant, the Head of Office shall ensure to recover the same in installments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

Contd.

- 2.4. The Directorate of Estates shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period beyond the date of retirement of the allottee and the Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the unrecovered licence fee, if any.
- 2.5. If in any particular case, it is not possible for the Directorate of Estates to determine the outstanding licence fee, that Directorate shall inform the Head of Office that ten per cent of the gratuity may be withheld pending receipt of further information.
- 2.6. The recovery of licence fee (where it is not possible for the Directorate of Estates to determine the outstanding license fee) as well as damages (for occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee) shall be the responsibility of the Directorate of Estates and the withheld amount of gratuity under sub-rule (5) above of the retiring Government employee, who was in occupation of Government accommodation, shall be paid immediately on production of 'No Demand Certificate' from the Directorate of Estates after actual vacation of the Government accommodation.
- 2.7. The Directorate of Estates shall ensure the No Demand Certificate shall be given to the Government servant within a period of fourteen days from the date of submission of application for the said certificate after actual vacation of the Government accommodation.
- 2.8. If the Directorate of Estates fails to issue the No Demand Certificate within fourteen days from the date of the application, the allottee shall be entitled to payment of interest (as per the rate and manner applicable to General Provident Fund deposit determined from time to time by the Government of India) on the excess withheld amount of gratuity which is required to be refunded after adjusting the arrears of licence fee and damages, if any, payable by the allottee till the date of issue of No Demand Certificate or the date of expiry of the period of fourteen days from the date of application for No demand certificate, whichever is earlier.
- 2.9. The interest shall be payable by the Directorate of Estates through the concerned Account Officer of the retired Government servant from the date of application for the said certificate after vacation of the Government accommodation, up to the date of refund of excess withheld amount of gratuity.
- 2.10. If after adjustment from the withheld amount of gratuity, if any, mentioned under sub-rule (5), or if no amount of gratuity was withheld under sub-rule (5), any amount on account of licence fee or damages (for overstay or unauthorised occupation or subletting or transfer to an ineligible office etc.) or dues on account of electricity, water or PNG charges, remaining unpaid, may be ordered by the Directorate of Estates to be recovered through the concerned Account Officer from the dearness relief without the consent of the pensioner and in such case no dearness relief shall be disbursed until full recovery of such dues has been made.

Contd.

3.1 With respect to adjustment and recovery of dues other than dues pertaining to Government accommodation, rule 69 of the CCS(Pension) Rules, 2021 provides that the Head of Office shall take steps to assess the dues one year before the date on which a Government servant is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier, in the case of retirement on superannuation and immediately on retirement or when the fact of retirement of the Government servant is known to the Head of Office, whichever is earlier, in the case of retirement otherwise than on superannuation.

3.2 The assessment of aforesaid Government dues shall be completed by the Head of Office eight months prior to the date of the retirement of the Government servant, in the case of retirement on superannuation, and within thirty days after the date of retirement in the case of retirement otherwise than on superannuation.

3.3 The dues as assessed including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of retirement gratuity becoming payable to the Government servant on his retirement.

4. All Ministries/Departments are requested that the above provisions regarding recovery of Government dues from Gratuity payable under the Central Civil Services (Pension) Rules, 2021 may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(S. Chakrabarti)

Under Secretary to the Govt. of India

To
All Ministries/Departments/Organisations,
(As per standard list)