

**GOVERNMENT OF ANDHRA PRADESH
FIANCE [PENSION-I] DEPARTMENT**

CIRCULAR MEMO. NO. 1469/62/A1/PEN.I/2010 DATED 03.08.2010

Sub: Recovery of non-Government dues from Pensionary benefits of retired employee - Instructions to Pension sanction Authorities/Pension Disbursing Authorities - Issued.

Ref: D.O.No. PAG (A&E)/DAG(P)/2010-11/246, dated 01.07.2010 received from the Prl. Accountant General, (A&E), A.P., Hyderabad.

The Principal Accountant General (A&E), A.P., Hyderabad in the reference cited has informed that under the Pension Act, 1871, Section 60 of the Civil Procedure Code, and the Andhra Pradesh Revised Pension Rules, pensionary benefits cannot be attached by orders of Courts, or withheld against non-Governmental loans. Unfortunately, however, departmental officers appear to be unaware of the legal position. Consequently, in many cases, they request the Accountant General to withhold non-government dues. Further, the Pension Sanctioning Authorities (HOD/Departments) are making requests to effect certain recoveries from pensionary benefits [tfl]ards Court attachments and non-Government loans, even though, there are no rules allowing them to do so. Consequent upon such requests, the Pension Issuing Authorities (AG & State Audit Department) have been issuing authorizations to recover non-government loans from Pensionary benefits. Since all the Pensionary benefits, akin to FBF, GIS and GPF, are also exempted from Court attachments, sale and recoveries of Non-Government loans by the various statutory laws and court judgments as said above, no orders shall be issued either by Pension Sanctioning Authorities or Pension Issuing Authorities to effect recoveries of Non-Government loans from Pensionary benefits. Therefore, the Principal Accountant General (A&E), Hyderabad, has requested to take up the matter on utmost priority as large number of Court cases are pending, where these recoveries are being legally challenged.

2. According to section 11 of the Pensions' Act, 1871:

"11. Exemption of pension from attachments;- No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassion allowance, and no money due or to become due on account of any such pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court "

3. According to section 60 (1) (g) of Civil Procedure Code, the "stipends and gratuities allowed to pensioner of the Government or, of 3 legal authority of any other employer or payable out of any service family pension fund notified in the Official Gazette by the Central Government or the State Government in this behalf and political pension" shall not be liable for attachment in execution of a decree.

4. In view of the above provisions under Pensions Act, 1871 and Civil Procedure Code 1908, all the Pension Sanctioning authorities and Pension Issuing authorities and all concerned with processing of pension proposals of Government servants are hereby informed that as all the Pensioner benefits, akin to FBF, GIS and GPF, are exempted from Court attachments, sale and recoveries of Non-Government loans by the various statutory laws and court judgments. It is hereby once again reiterated that no orders shall be issued either by Pension Sanctioning Authorities or Pension Issuing Authorities or Pension Disbursing Authorities to effect recoveries of Non-Government loans/attachment in execution of decrees issued by the courts etc. from the Pensionary benefits viz. Pension, DCRG, Commuted Value of Pension and FBF, GIS and GPF.

5. Therefore, all the Departments of Secretariat and Heads of Departments are requested to communicate these instructions to all the Pension Sanctioning Authorities duly instructing them not to entertain the requests of the individuals for recovery of Non-Governmental dues from the pensionary benefits, while forwarding the pension proposals to the Pensioner Issuing Authorities viz., the Accountant General, A.P., Hyderabad/Director of State Audit. Similarly, the Pension Issuing Authorities are also requested not to incorporate such recoveries, while issuing the authorizations of pensionary benefits.

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