

GOVERNAMENT OF ANDHRA PRADESH  
FINANCE (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  
Prl. Accountant General (A & E), A.P, Hyderabad.

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The Principal accountant General (A &E), A.P, Hyderabad in the reference cited has informed that under Pension Act, 1871, Section 60 the civil procedure code, and the Andhra Pradesh revised pension rules, pensionary benefits cannot be attached by orders of courts or with held 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 sanction authorities (HOD / Dept. ) are making requests to effect certain recoveries from pensionary benefits towards court attachments and Non-Government loans, even though, there no rules allowing them to do so.

1. Consequent up on such request, the pension issuing authorities ( A G & state audit Dept.) 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 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 pension act 1871:

“11 Exemption of pension from attachments:” No pension granted or continued by Govt of 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 instanced of 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 procedural code,” the stipends and gratuities allowed to pensioner of the Government or of a local authority of any other employer or payable out of any service family pension found 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 here by

inform that as all the pensionary 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/attachments 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 Secretariats and Head of Departments are requested to communicate these instructions to all the pension sanctioning authorities duly instructing them not to entertain the request of the individuals for recovery of Non-Governmental dues from the pensionary benefits, while forwarding the pension proposals to the pension issuing authorities are also requested not to incorporate such recoveries, while issuing the authorizations of pensionary benefits.

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