

F. No. 38/10(03)/2025-P&PW(A) (e 11193)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशनभोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट नई दिल्ली Khan Market, New Delhi-110 003
दिनांक Dated: .10.2026

कार्यालय ज्ञापन/Office Memorandum

विषय: Instructions regarding references of Court Cases to Department of Pension and Pensioners' Welfare for comments/opinions - reg.

The undersigned is directed to refer to this Department's OM No.38/70/14 P&PW(A) dated 07.10.2015 regarding consultation with this Department for implementation or otherwise of the court orders, where any pension policy matter is involved and OM No.38/05(25)/2024-P&PW(A) (9633) dated 15.07.2024 delineating policy & instructions for reference of court cases to this Department at first stage of appeal before High Courts, issued in consultation with Department of Expenditure.

2. It is noticed that despite above instructions, Department of Pension and Pensioners' Welfare is receiving Inter- Ministerial references in court cases for comments/opinion at a belated stage where Appeal/SLP cases are to be filed. In many instances, the proposals are incomplete or received through emails/OMs without the approval of the competent authority, which causes further delay resulting in adverse orders/Contempt proceedings. In some cases, this Department receives e mails and phone calls directly from the Government Counsels at advance stages for instructions, filing of affidavits, compliance of court orders and Contempt notice also, even though DoPPW is proforma party. This leads to a situation where effective handling of court cases and coordination with concerned nodal officer of the administrative Ministry/Department becomes a challenge, specially where crucial pension policy of the Government is involved.

3. In this regard it is reiterated that as per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it

results in contempt proceedings.

4. Further, this Department receives Inter-Ministerial references in matters where SLP cases are to be filed. It is observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. So there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law.

5. Therefore, as per the instructions in Policy dated 15.07.2024 of this Department, all matters where 1st stage appeal is to be filed by the concerned administrative Ministry/Department before Hon'ble High Courts in CCS (Pension) Rules/Policy related issues, same be referred to Department of Pension and Pensioners' Welfare for opinion/comments preferably through e files in a self contained Note along with complete details/documents in a timely manner with the approval of the Secretary concerned. The comments/opinion of this Department, if any, may be incorporated in the submissions made before Hon'ble Courts on major pension policy issues. Seeking comments/opinion of DoPPW on court matters through emails/OMs/letters should be avoided.

6. Further, it is also informed that this Department has convened two National Workshops on Pension litigation on 02 July 2025 and 18 July 2026 for effective and efficient handling of pension litigation and greater coordination amongst all stakeholders and capacity building. The workshop on 18th July 2026 was attended by more than 380 Nodal Officers and Legal Counsels dealing with pension litigation cases across various Ministries/Departments. It was addressed by eminent speakers from legal and administrative background. The proceedings of the Workshop, along with compendium of Case Laws on pension litigation including best practices in handling pension litigation have been uploaded on the website of this Department. All Ministries/Departments may refer to these documents while handling pension related litigation.

7. The above instructions may be brought to the notice of all concerned handling Pension litigation for strict compliance.

8. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।

Digitally signed by
Rakesh Kumar
Date: 23-10-2026
15:34:17

(Rakesh Kumar)

Director to the Government of India

Tel. No 24635979

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To

The Secretaries of all Ministries/Departments of the Government of
India

No.38/70/14-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 7th October, 2015

Office Memorandum

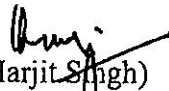
Sub:- Court Orders against DoP&PW Government of India Instructions on service matters – Consultation with Ministry of Law and DoP&PW on the question of filing appeals before implementation of Court's orders.

The undersigned is directed to say that it has come to the notice of this Department that in some cases where the Courts have passed orders against the Government of India, the administrative Ministry/Department has not consulted this Department on the question of filing appeal against such orders, before implementation of such orders.

2. Instructions have been issued from time to time that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs, Department of Personnel & Trg. and the Department of Pension & Pensioners' Welfare on the question of filing appeal against such an order before the time limit, if any, prescribed in such order or before the time limit for filing appeal under the rules.

3. It is therefore, reiterated that in all cases where any policy issue relating to pension matters is involved, the Department of Pension & PW should invariably be consulted before taking a decision on the question of implementation or otherwise of any order of a Court. No such order shall be implemented by the concerned Departments/Ministries without first referring the matter to this Department for advice.

4. In order to avoid any delay in processing of such matters, administrative Ministry/Department can consult this Department for any advice by personally visiting to this Department from 11:00 A.M. to 1:00 P.M. on every Wednesday.


(Harjit Singh)
Deputy Secretary
Tel No.24644634

To

All Ministries/Departments of the Government of India.

Copy for information to:- Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

No.38/05(25)/2024-P&PW(A)(9633)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशन भोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट नई दिल्ली Khan Market, New Delhi-110 003

दिनांक Dated: 15.07.2024

कार्यालय ज्ञापन/Office Memorandum

विषय: Policy for references of Court Cases to Department of Pension and Pensioners' Welfare - Instructions - reg.

The undersigned is directed to refer to this Department's OM No.38/70/14-P&PW(A) dated 07.10.2015 regarding consultation with this Department in all cases for implementation or otherwise of the court orders, where any policy issue relating to pension matters is involved.

2. The Department of Pension and Pensioners' Welfare, being nodal Department on pension matters, is impleaded along with the concerned administrative Ministries/Departments, either as main party or proforma party in almost all CAT/High Court/Supreme Court cases.

3. As per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

4. Under the extant policy, this Department is receiving Inter- Ministerial references in matters where SLP cases are to be filed. However, it has been observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. Therefore, there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law.

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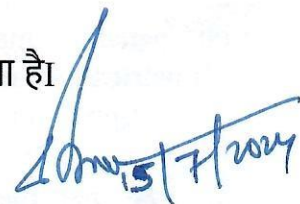
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5. Hence, it is decided that all matters where Ministries/Departments seek to approach High Courts in CCS (Pension) Rules/Policy related issues, be referred to Department of Pension and Pensioners' Welfare alongwith the views of the administrative Ministry/ Department in a timely manner and comments/opinion of this Department received, if any, may be incorporated in the submissions made before Hon'ble High Courts in the matters involving major pension policy issues.

6. The administrative Ministry/Department while referring the proposal should invariably indicate all facts pertaining to the case in a Self Contained Note. The note should also include the relief sought by the petitioner/applicant, earlier advice/opinion of DoPPW, submission made by the Department before the Court/CAT, opinion of the Government Counsel on the judgment, opinion of D/o Legal Affairs and D/o Expenditure/DoPT, if any. All the references should be made to this Department alongwith views in the matter and with the approval of the Secretary of the Administrative Ministry/Department well in advance.

7. The above instructions may be brought to the notice of all concerned for strict compliance. These instructions are issued in consultation with Department of Expenditure.

8. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।



(Dhruvajyoti Sengupta)

Joint Secretary to the Government of India

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To

The Secretaries of all Ministries/Departments of the Government of India

Copy for information to :

- i. The Secretary, Department of Expenditure
- ii. The Secretary, Department Personnel and Training
- iii. The Secretary, D/o Legal Affairs
- iv. All officers in the DoPPW