

F. No. 4/1/2010/Welfare  
Government of India  
Ministry of Finance  
Department of Financial Services

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3<sup>rd</sup> Floor, Jeevan Deep Building,  
Parliament Street, New Delhi,  
Dated the 17<sup>th</sup> March, 2016.

To,

1. Chief Executive Officer & Managing Directors of all Public Sector Banks.
2. Chairman, SBI and MDs of its Associate Banks/Public Financial Institutions and Public Sector Insurance Companies.
3. The Chief General Manager (HRDD) RBI, Mumbai.
4. Chairperson, Bhartiya Mahila Bank, HO, New Delhi
5. Chairman, Pension Fund Regulatory and Development Authority (PFRDA), H.O. Hyderabad.
6. Chairman, Insurance Regulatory Development Authority (IRDA), HO, Hyderabad.
7. Sh. A Bhattacharya, Director, Institute of Banking Personnel Selection (IBPS), HO, Mumbai

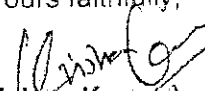
**Subject :- Instructions /orders issued by the DOPT regarding re-employment in the banks.**

Sir,

In continuation of this Department's letter No. 4/3/2012-Welfare dated 17.02.2014, the undersigned is directed to inform that DOPT, while giving clarification regarding inclusion of Military Service Pay (MSP) for the purpose of pay fixation of Ex-servicemen, re-employed in Banks on or after 2006 in the matter of Writ Petition No. 11315 of 2015, filed by Shri Rajendra Prasad Saini & Others Vs. DFS/DOPT & MOD (UOI) in the High Court of Rajasthan has clarified that instructions /orders issued by DoPT do not apply to re-employment in banks. A copy of DOPT's O. M. No. 5/2/2015-Estt.(Pay-II) dated 23<sup>rd</sup> October, 2015(copy enclosed).

All PSBs/FIs and PSICs are requested to kindly bring the instructions of DoPT contained in their O.M. dated 23<sup>rd</sup> October, 2015 into the notice of all concerned in your organisations for strict compliance under intimation to Welfare Section at sot@nic.in

Yours faithfully,

  
(Krishan Kumar)

Under Secretary to the Govt. of India

Tel.No.23748725

Fax No. 23742207, 23747018 & 23360250

Encl: as above.

Copy to:

1. Shri Pushpender Kumar, Under Secretary, Estt(Pay-II), DOPT, North Block, New Delhi for information w.r.t. their O.M. No. 5/2/2015-Estt(Pay-II) dated 23.10.2015.
2. Chairman, IBA, HO, World Trade Centre Complex, Centre 1, 6<sup>th</sup> floor, Cuffe Parade, Mumbai-400005 w.r.t. their letter Nos. HR&IR/MV/GOVT/589/2422/ 2784 dated 4.2.2011, 23.3.2011 and 4.5.2011 for information and necessary action.
3. Circular file No. 20/26/2014-Welfare.

Encl: as above.

No. 5/2/2015 Estt. (Pay-II)

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel and Training

North Block, New Delhi

Dated 23<sup>rd</sup> October, 2015

OFFICE MEMORANDUM

Subject: Letter dated 22<sup>nd</sup> September 2015 received from O/o ASG, Rajasthan High Court, requesting for contact details of the concerned officer and para-wise comments in Writ Petition No. 11315 of 2015 filed by Shri Rajendra Prasad Saini and others, along with copy of the said W/P - forwarding thereof - regarding.

The undersigned is directed to forward herewith letter dated 22<sup>nd</sup> September 2015 received from O/o ASG, Rajasthan High Court requesting for contact details of the concerned officer and para-wise comments in Writ Petition No. 11315 of 2015 filed by Shri Rajendra Prasad Saini and others, along with copy of the said W/P. This Ministry is the second respondent in the matter.

2. In the instant petition, the petitioners, who are ex-serviceman re-employed in State Bank of India, are aggrieved with the withdrawal of payment of Military Service Pay etc. and has *inter-alia* prayed before the Hon'ble Court to stay the operation of the circular dated 18<sup>th</sup> February 2014 issued by the Department of Financial Services & concerned authorities of SBI.

3. In this regard, it is to reiterate that this Department's OM No. 20036/23/1988-Estt.(D) dated 06.01.1989 provides that since each case is to be contested on the basis of the specific facts and circumstances relevant to it, the administrative Ministry/Department will be in a better position to defend the case. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned department in the Ministry of Personnel, Public Grievances and Pensions may be approached for that purpose. It further provides that the primary responsibility, however, for contesting such cases on behalf of the Government will be that of the administrative Ministry/Department concerned. Further, the Cabinet Secretariat D.O. letter No. 6/1/1794-Cab dated 25.02.1994 and the Department of Expenditure's OM No. 718/2012-E III(A) dated 16.05.2012 *inter-alia* provide that (i) a common counter reply should be filed before a Court of Law on behalf of the Union of India by the concerned administrative Department/Ministry where the petitioner is serving or has last served, and (ii) a unified stand should be adopted

instead of bringing out each Department's/Ministry's point of view in the said reply. It further provides that it is primarily the responsibility of the Administrative Ministry to ensure that timely action is taken at each stage a Court case goes through and that a unified stand is adopted on behalf of Government of India at every such stage. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

4. As such, the Department of Financial Services, being the administrative Ministry in the present case, is requested to defend the case on behalf of all the Respondents including this Department, as DoP&T is only a proforma party in such cases. Action may also be taken to exclude the name of Director, DoP&T from the list of Respondents under intimation to this Department. It may be highlighted that the instructions/orders issued by the DoP&T do not apply to re-employment in banks.

5. This issues with the approval of

Encl: As above

(Pushpender Kumar)  
Under Secretary to the Government of India  
Tel: 011-2304 0287

Department of Financial Services  
[Shri. Kushan Kumar, US (Welfare)]  
Ministry of Finance,  
Jeevan Deep Building  
Parliament Street,  
New Delhi.

Copy to:

The Additional Solicitor General of India  
Rajasthan High Court  
362, First Floor, Old D.L.B. Building, Rajasthan High Court Campus, Jaipur.