

Gujarat Civil Services (Pension) Rules, 2002

[15 November 2002]

CONTENTS

CHAPTER 1 :- GENERAL

1. Short Title and Commencement
2. Extent of application
3. Right to Interpret
4. Power to Relax
5. Validity of terms of contract
6. Regulation of claims to pension or Family Pension
7. Exercise and delegation of powers
8. Reasons for concessions to be communicated to Audit Officer

CHAPTER 2 :- DEFINITIONS

9. Unless the context otherwise requires

CHAPTER 3 :- RETIREMENT

10. Age of retirement
11. Retirement according to the character of the post held in an officiating capacity and not the post held in a substantive capacity
12. Extension in service beyond the age of superannuation
13. Application of rule-10 to re-employed Government Employees
14. Review of cases before superannuation or on expiry of the extension period of service
15. Claim for compensation for retirement not be entertained
16. When extension is refused, Government employee is continued till relieved by his successor
17. Promotion not be given when a Government employee is on extension of service
18. Removal or compulsory retirement from service for misconduct, insolvency or inefficiency

CHAPTER 4 :- GENERAL CONDITIONS

19. Limitations on number of pensions
20. Admissibility of Wound or Injury Pension
21. Sanction of pension in special circumstances
22. Pension not exchangeable but gratuity may be exchanged for annuity
23. Pension subject to good conduct
24. Right of Government to withhold or withdraw pension

CHAPTER 5 :- QUALIFYING SERVICE

25. Qualifying Service
26. Conditions subject to which service qualifies

27. Age after which service counts for pension
28. Counting of pre-retirement civil service in the cases of re-employed Government employees
29. Cases in which Military service to be counted as service for pension
30. Counting of periods of suspension
31. Counting of past service on reinstatement
32. Forfeiture of service on dismissal or removal
33. Forfeiture of service on resignation
34. Interruption in service
35. Period of non-employment on non-continuous post
36. Non-Pensionable service, counting for pension
37. Addition to qualifying service for Superannuation pension
38. Condonation of deficiency and addition in service
39. Non-pensionable service
40. Power of Government to declare any service as non-pensionable
41. Service cost recovered from third party
42. Verification of qualifying service after twenty years of qualifying service

CHAPTER 6 :- PENSIONABLE PAY

43. Pensionable Pay

CHAPTER 7 :- CLASSES OF PENSIONS AND CONDITIONS FOR GRANTS OF PENSION

44. Different classes of pensions
45. Superannuation Pension
46. Retiring Pension
47. Retirement on completion of thirty years qualifying service
48. Retirement on completion of twenty years qualifying service
49. Voluntary retirement on completion of twenty five years qualifying service
50. General Conditions for voluntary retiring Government employees
51. Pension on absorption in or under a public sector undertaking
52. Conditions for grant of Invalid Pension
53. Non-admissibility of Invalid pension when discharged on grounds other than infirmity
54. Non-admissibility of Invalid Pension if incapacity is due to irregular or intemperate habits
55. Submission of medical certificate for Invalid Pension
56. Medical certificate of unfitness for further service
57. Authorities empowered to sign the medical certificate of incapacity for further service
58. Decision to be communicated to the Government employee retired on Invalid Pension and giving him an opportunity to appeal to Medical Appeal Board
59. Medical Appeal Board to hear appeals
60. Constitution of Medical Board for Invalid Pension for Government employee while on leave out of India
61. Medical Certificate of incapacity not to be issued without the knowledge of the Head of Office
62. Conditions subject to which Medical Certificate of incapacity accepted on refusal of Government employee to undergo an operation
63. Authorisation from Head of Office for examining the Government

employee for incapacity

64. Cessation of duty on production of a medical certificate of incapacity

65. Conditions for grant of compensation pension

66. Drawal of Compensation Pension in foreign service

67. Additional gratuity in addition to Compensation Pension when notice of discharge is not given

68. Final pension not to be less than the Compensation Pension

69. Procedure for Wound or Injury Pension

70. Conditions for grant of production of medical certificate for Wound or Injury Pension

71. Temporary grant of Wound or Injury Pension and its subsequent extension

72. Wound or Injury Pension depends on the continuance of disability

73. Conditions for grant of Wound or Injury Pension

74. Exceptional cases for grant of Wound or Injury Pension

75. Admissibility of other pension in addition to Wound or Injury Pension

76. Grant of Wound or Injury Pension to whom Workmens Compensation Act, 1923 applies

77. Grant of Compassionate Pension

78. Grant of Compassionate pension in deserving cases by Government

79. Amount of Compassionate Pension to be fixed by Government in each case

CHAPTER 8 :- REGULATION OF AMOUNT OF PENSIONS AND GRATUITY

80. Amount of Service Gratuity/Pension

81. Death-Cum-Retirement Gratuity

82. Family for the payment of death-cum-retirement gratuity

83. Persons to whom gratuity is payable

84. Payment of gratuity when no nomination exists

85. Nominations

CHAPTER 9 :- DELETED

86. XXX XXX XXX

CHAPTER 10 :- FAMILY PENSION SCHEME, 1972

87. Applicability

88. Terms used in this chapter

89. Details of Family to be furnished by Government employee

90. Amount of Family Pension

91. Family Pension to whom payable

92. Payment of Family Pension to a minor

93. Payment of Family Pension to mentally retarded, blind etc. children

94. Temporary Increase on Family Pension

95. Relief in the case of death of pensioner in receipt of service pension

CHAPTER 11 :- COMMUTATION OF PENSION - GENERAL CONDITIONS

96. Restriction on commutation of pension

97. Limit on commutation of pension

98. Commutation of Pension to become absolute

99. Death of a pensioner before receiving the commuted value

100. Calculation of commuted value of pension

101. Restoration of commuted portion of pension fifteen years after

retirement

102. Commutation of Provisional Pension not permitted

103. Restrospective revision of final pension

CHAPTER 12 :-COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

104. Scope

105. Eligibility

106. Application for commutation of pension

107. Action to be taken by the Pension Sanctioning Authority on application for commutation of pension if received after issue of pension payment order

108. Action to be taken by Pension Sanctioning Authority on application for commutation of pension if received one year before the date of retirement alongwith pension papers or separately before the issue of pension payment order

109. Authorisation of commuted value of Pension by Director of Pension and Provident Fund on application of commutation of pension received by head of office after issue of pension payment order

110. Authorisation of commuted value by the Director of Pension and Provident Fund on application for commutation of pension received by Pension Sanctioning Authority along with pension papers before one year of the date of retirement and before issue of pension payment order

111. Commutation of pension of a Government employee against whom departmental or judicial proceedings are initiated

CHAPTER 13 :-COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

112. Scope

113. Eligibility

114. Application for commutation of pension

115. Action to be taken by the Head of Office on application for commutation of pension

116. Action to be taken by medical authority

117. Medical authority

118. Fees for medical examination to be borne by the pensioner

119. Failure to appear before medical board

120. Procedure for medical examination

121. Second medical examination

122. Appeal against the findings of medical authority

123. Withdrawal of application

124. Modification in the value specified in the Table

125. Authorisation of payment of commuted value by the Director of Pension and Provident Fund

CHAPTER 14 :-DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

126. Register of retiring Government employees

127. Preparation of the list of Government employees to retire/already retired

128. Time schedule for the processing the pension papers of the Government employees

- 129. Recovery of leave salary and pension contribution in respect of foreign service
- 130. Verification of Pay Fixation
- 131. Verification of Service
- 132. Making good omission in the Service Book
- 133. Assessment of Government dues from the retiring Government employee
- 134. Recovery and adjustment of dues other than dues pertaining to Government residential accommodation
- 135. No demand certificate for occupation of Government residential accommodation
- 136. Obtaining particulars by the Pension Sanctioning Authority
- 137. Completion of pension papers
- 138. Forwarding of pension papers to Director of Pension and Provident Fund
- 139. No departmental inquiry / No Event Certificate
- 140. Last Pay Certificate
- 141. Reference to Director of Pension and Provident Fund regarding occurrence of any event affecting pension
- 142. Provisional payment of pension and gratuity
- 143. Sanction of provisional payment of pension and death-cum-retirement gratuity in case where departmental or judicial proceedings are not pending
- 144. Sanction of provisional payment of pension and gratuity where charge sheet is not issued or judicial proceedings are not instituted in respect of the Government employee against whom the departmental inquiry is pending
- 145. Provisional payment of pension and gratuity where charge sheet is issued or judicial proceedings are instituted in respect of the Government employee against whom the departmental inquiry is pending
- 146. Conditions for the payment of provisional pension
- 147. Date of retirement to be notified
- 148. Revision of pension after authorisation

CHAPTER 15 :- DETERMINATION AND AUTHORISATION OF THE AMOUNT OF FAMILY PENSION AND GRATUITY IN CASE OF DEATH OF GOVERNMENT EMPLOYEES WHILE IN SERVICE

- 149. Claims for Family Pension and gratuity in case of death while in service
- 150. Completion of Pension Papers
- 151. Determination of the amount of Family Pension and gratuity in case of incomplete service records
- 152. Non-availability of service record of the deceased Government employee
- 153. Forwarding the papers to the Director of Pension and Provident Fund
- 154. Sanction of Provisional Family Pension and gratuity
- 155. Authorisation of the final pension and gratuity by the Director of Pension and Provident Fund
- 156. Adjustment of Government dues
- 157. Payment of Family Pension and death gratuity when a Government employee dies while on deputation

CHAPTER 16 :- SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN CASE OF DECEASED PENSIONERS

158. Sanction of Family Pension and residuary gratuity on the death of a pensioner

159. Authorisation of payment of pension and residuary gratuity by Director of Pension and Provident Fund

CHAPTER 17 :- PAYMENT OF PENSIONS

160. Date from which pension becomes payable

161. Procedure for payment of pension to a lunatic

162. Date of commencement of payment of Wound or Injury Pension and the Family Pension

163. Need for medical certificate for payment of Wound or Injury Pension

164. Currency in which pension is payable

165. Manner of payment of gratuity and pension

166. Payment of arrears of pension on the death of a pensioner

167. Application of Treasury Rules

CHAPTER 18 :- RE-EMPLOYMENT OF PENSIONERS

168. Re-employment ordinarily not to qualify for second pension

169. Declaration by the re-employed pensioner about amount of pension and gratuity or bonus

170. Provisions of this Chapter to be brought to the notice of the re-employed pensioner

171. Wound or Injury or Disability Pension awarded under Military rules to be continued

172. Fixation of pay on re-employment of Civil/Military pensioners in receipt of superannuation/retiring pension

173. Fixation of pay on re-employment of pensioners in receipt of compensation/invalid pension

174. Fixation of pay on re-employment of short service commissioned or and Emergency Commission Officers

175. Fixation of pay of re-employed pensioners on transfer or promotion

176. Drawal of Increments by re-employed pensioners

177. Grant of allowances to re-employed pensioners

178. Admissibility of leave to re-employed pensioners

179. Admissibility of Gratuity Death-cum-retirement Gratuity to the re-employed pensioners

180. Special provisions for Ex-combatant Clerks and Ex-storesmen in Armed Forces

181. Correct determination of pay of re-employed pensioner

182. Powers to fix pay on re-employment

183. Grant of provisional pay

184. Appointment of pensioners on honorarium basis

185. Gross amount of pension to be taken into account while fixing pay

186. Application of rule-28 to re-employed pensioner

187. Fixation of pay of re-employed pensioner drawing pension from another Government or Panchayat

188. Non application of rules to Military Warrant or non-Commissioned pensioners on reemployment under Civil Service

189. Commercial employment after retirement

190. Employment after retirement under a Government outside India

CHAPTER 19 :-TEMPORARY INCREASE / DEARNESS RELIEF ON PENSION

191. Temporary increase/dearness relief on pension

CHAPTER 20 :- REPEAL AND SAVINGS

192. Repeal and Savings

APPENDIX 1 :- APPENDIX - I

APPENDIX 2 :- APPENDIX - II

Gujarat Civil Services (Pension) Rules, 2002

[15 November 2002]

Constitution of India No. : GN-35-GCS/102001/1217/CH In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

CHAPTER 1 GENERAL

1. Short Title and Commencement :-

(1) These rules may be called the "Gujarat Civil Services (Pension) Rules" 2002.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Extent of application :-

Except where it is otherwise expressly or impliedly provided, these rules shall apply to -

(a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, and

(b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.

3. Right to Interpret :-

If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.

4. Power to Relax :-

Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the prior concurrence of the Finance Department.

5. Validity of terms of contract :-

The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.

6. Regulation of claims to pension or Family Pension :-

(1) Any claim to pension or a class of pension shall be regulated by the provisions of these rules in force at the time when a Government employee retires or is retired or is discharged or dies, as the case may be; Provided that, if during his service, changes disadvantageous to him are introduced in the rules, to which he became subject on entry into the service of Government, his pension shall not be less than that which would have been admissible but for the introduction of such changes.

(2) The day on which a Government employee retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall also be treated as working day;

Provided that in the case of a Government employee who is retired prematurely or who retires voluntarily under sub-rule (4) and (5) of rule 10 or rule 46, as the case may be, the date of retirement shall be treated as a non-working day.

7. Exercise and delegation of powers :-

(1) The nature of powers specified in column 3 of Appendix-I, annexed to these rules shall be exercised by the authority specified in Column- 4 to the extent specified in column 5 thereof.

(2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department. Provided that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

8. Reasons for concessions to be communicated to Audit Officer :-

When a competent authority, to whom the powers are delegated under Appendix-I other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

CHAPTER 2 DEFINITIONS

9. Unless the context otherwise requires :-

(1) "Actual travelling expenses" means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and travellers bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.

(2) "Allotment" means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3) "Annexure" means annexure appended to these rules.

(4) "Appendix" means appendix appended to these rules.

(5) "Appointing Authority" means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.

(6) "Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(7) "Audit Officer" means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(8) "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.

(9) "Camp Equipage" means an apparatus for moving a camp. Note : This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.

(10) "Camp Equipment" means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.

(11) "Class-IV service" means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-. Note : This service has been defined as Inferior Service under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.

(12) "Compensatory Allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.

(13) "Competent Authority" means in relation to the exercise of any power, means Government, or any authority to which the power is

delegated by or under these rules.

(14) "Consolidated Fund of India or the State or the Union Territory" All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India" and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State/Consolidated Fund of the Union Territory".

(15) "Constitution" means the Constitution of India.

(16) "Conveyance Allowance" means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.

(17) "Date of first appointment" means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.

(18) "Daily Allowance" means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.

(19) "Day" means the period beginning from a midnight and ending with the next midnight.

(20) "Death-cum-Retirement Gratuity" means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.

(21) "Director of Pension and Provident Fund" means the Director of

Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.

(22) "Disbursing Authority for Pension" means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.

(23) "Duty" Duty includes -

(a) service as a probationer;

(b) joining time;

(c) a course of instructions or training authorised by or under the orders of Government;

Note 1 : The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

(i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,

(ii) in attending an obligatory departmental examination,

(iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note : If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

(i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be

treated as continuation of the period of compulsory waiting.

(f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g) the period spent by Government employee on training mentioned below :-

(i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.

(ii) On Home Guard training or Home Guard duties with permission of the Head of office.

(iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.

(iv) training at a Boy Scouts camp; Note : No travelling or halting allowance shall be admissible in respect of this duty.

(h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.

(i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -

(a) as representatives of Government or ex-officio,

(b) by virtue of his official position such as Principal of a College, and

(c) for attending the meeting of a Board of Studies.

(24) "Emoluments" means -

(i) Pay,

(ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.

(iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.

(iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-

(a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.

(b) compensation received under the Workmens Compensation Act, 1923.
Note : The word "Pension" means the full sanctioned pension prior to commutation.

(v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance Provided that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him: Provided further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments

defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the Presidents Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

Note 2 : The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) "Executive Engineer" means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) "Family" means a Government employees wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term "family" for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) "Fee" means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union

Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include -

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

(28) "First Appointment" means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(29) "Flat Rate Rent" means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.

(30) "Foreign Service" means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(31) "Form" means a form appended to these rules.

(32) "Gazetted Government employee" is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non-gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.

Provided that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order. Exception : Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.

(33) "Government" unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.

(34) "Head of Departments" this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Departments.

(35) "Head of Office" means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.

(36) "Head-Quarters" means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.

(37) "Holiday" means -

(a) a holiday declared or notified under Negotiable Instruments Act, 1881;

and

(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.

(38) "Honorarium" means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.

(39) "House Rent Allowance" means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.

(40) "Joining Time" means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.

(41) "Leave" means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.

(42) "Leave Salary" means the monthly amount paid by Government to a Government employee on leave.

(43) "Lien" means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(44) "Local Allowance" is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.

(45) "Medical Authority" means Civil Surgeon/Superintendent of Civil

Hospital or as the case may be the Medical Board.

(46) "Medical Board" means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.

(47) "Mileage Allowance" means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.

(48) "Ministerial employee" means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.

(49) "Minor" means a person who has not completed the age of eighteen years.

(50) "Month" means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

| | Y. | M. | D. |
|------------------------------|-----------|-----------|-----------|
| 25th January to 31st January | 0 | 0 | 07 |
| February to April | 0 | 3 | 00 |
| 1st May to 13th May | 0 | 0 | 13 |
| Total | 0 | 3 | 20 |

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

| | Y. | M. | D. |
|----------------------------|-----------|-----------|-----------|
| 30th January to 31 January | 0 | 0 | 2 |
| | | | |

| | | | |
|------------------------|---|---|---|
| February | 0 | 1 | 0 |
| 1st March to 2nd March | 0 | 0 | 2 |
| Total | 0 | 1 | 4 |

(51) "Non-Official Member" means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.

(52) "Officiate" means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.

(53) "Pay" means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.

(54) "Permanent Travelling Allowance" means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employees sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.

(55) "Pension" means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.

(56) "Pensionable Pay" means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.

(57) "Pensioner" means a retired Government employee who has been granted pension.

(58) "Pension Payment Office" means an office declared as such for

making payment to the pensioners and includes treasury and sub-treasuries.

(59) "Pension Payment Order" means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.

(60) "Pension Sanctioning Authority" means a competent authority of the Government to whom the powers to sanction pension have been delegated.

(61) "Permanent Post" means a post carrying a definite rate of pay sanctioned without limit of time.

(62) "Pay and Accounts Officer" means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.

(63) "Personal Pay" means additional pay granted to a Government employee -

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(64) "Presumptive Pay" of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(65) "Probationer" means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1 : No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.

Note 2 : A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.

Note 3 : The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(66) "Public Account of India or the State" means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.

(67) "Public Conveyance" means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.

(68) "Qualifying Service" means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.

(69) "Registered Medical Practitioner" means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.

(70) "Rent" means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.

(71) "Residential Accommodation" means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also

includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose. Note : Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.

(72) "Selection Grade" means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(73) "Service Book" means service book and includes service roll, if any.

(74) "Special Pay" means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -

(a) the specially arduous nature of duties,

(b) a specific addition to the work or responsibility.

(75) "Sphere of duty" means the area to which the duties of a Government employee are confined.

(76) "Standard Rent" means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.

(77) "Subsistence Allowance" means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.

(78) "Substantive Pay" means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(79) "Superintending Engineer" means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.

(80) "Superior Service" means any kind of service not being Class IV service.

(81) "Table" means a table appended to these rules.

(82) "Temporary Post" means a post carrying a definite rate of pay sanctioned for a limited time.

Note : Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

(83) "Temporary Transfer" means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.

(84) "Tenure Post" means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment. Note : The following posts have been declared by Government to be tenure posts :- Period of Tenure

| | Period of Tenure (Years) |
|---|---------------------------------|
| (1) Chief Engineer in the Gujarat Service of Engineers (Class-I) | 5 |
| (2) Three posts of Assistant Directors of Social Welfare | 3 |
| (3) All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department. | 5 |
| (4) The following posts in the Legal Department : | |
| (i) Deputy Secretaries (Three posts) | 3 |
| (ii) Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post) | 3 |
| (iii) Special Officer and Ex-officio Under Secretary to Government (one post) | 3 |
| | |

| | |
|--|---|
| (5) Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department. | 5 |
| (6) Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department. | 5 |

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

(85) "Time-Scale Pay" means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

Note-2 : A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(86) "Transfer" means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(87) "Transit Time" means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(88) "Travelling Allowance" means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

(89) "Treasury" means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

CHAPTER 3 RETIREMENT

10. Age of retirement :-

(1) Except as provided in this rule, every Government employee, other than a Class IV employee, shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years. The Government employee may be retained in service beyond the age of fifty-eight years only with the previous sanction of the Government in the public interest, the reasons for it shall be recorded in writing.

(2) A Government employee in Class IV service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years. The Government employee may be retained in service beyond the age of sixty years only with the previous sanction of Government.

Explanation : For the purpose of sub-rules (1) and (2), a Government employee whose date of birth is the 1st day of a month shall retire from service on the afternoon of the last day of the same month in which he attains the age of fifty-eight years or sixty years, as the case may be.

(3) The following conditions are applicable to particular services :-

a) Except as otherwise provided in this sub-clause, a holder of the post of the Chief Judge of the Court of Small Causes, Ahmedabad, or the Chief Metropolitan Magistrate for Metropolitan area of the city of Ahmedabad, whether he is recruited directly or is promoted from subordinate post, shall ordinarily be retained in service till the age of sixty years, if he continues efficient upto that age, otherwise he may be required to retire on attaining the age of fifty-eight years or at any time thereafter.

b) The Principal Judge, Ahmedabad City Civil and Sessions Court, shall be

required to retire on attaining the age of sixty years.

c) Except as otherwise provided in this sub-clause, Government employees in the Gujarat Services of Engineers, Class-I, shall retire on attaining the age of fiftyeight years and may be required by the Government to retire on attaining the age of fifty years if they have not reached to the rank of Superintending Engineer.

d) (i) Subject to the requirements of this sub-clause as to reappointment, the Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(ii) No Chief Engineer shall, without re-appointment, hold the post for more than five years, but re-appointment to the post may be made as often and in each case for such period not exceeding five years, as the Government may decide, provided that the term of reappointment shall not extend more than three months beyond the date on which he attains the age of fifty-eight years. (Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause).

e) Government employee who while in Government service is appointed as Chairman or Member of the Gujarat Public Service Commission, shall hold office for a term of six years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier, as laid down in Article-316 (2) of the Constitution of India; even though he attains the age of compulsory retirement according to the service to which he belonged during his tenure as Chairman or Member of the Commission.

(4) Notwithstanding anything contained in sub-rule (1) of this rule, the appointing authority, if it is of the opinion that it is in the public interest so to do, by giving him three months pay and allowances have the absolute right to retire-

(a) any Gazetted Government employee working under the State Government :-

(i) if he had entered Government service before attaining the age of thirtyfive years, after he has attained the age of fifty years, and

(ii) in any other case, after he has attained the age of fifty five years,

(b) any Government employee who holds a post in any other service of the State either pensionable or non-pensionable, after he has attained the age of fiftyfive years;

Note : For the purposes of sub-clause (a) of sub-rule (4), the age of entry into Government service or recruitment in Government service shall be the age at which a Government employee was appointed to a full time post and not to a part time or honorary post.

(5) Notwithstanding anything contained in sub-rules (1) and (2) of this rule, any Government employee may, by giving notice of not less than three months in writing to the appropriate authority, retire, in case of a Government employee :-

(i) referred to in sub-rule (4) (a) (i), after he has attained the age of fifty years,

(ii) referred to in sub-rule (4) (a) (ii) and 4 (b) after he has attained the age of fiftyfive years;

Explanation-1 : For the purposes of sub-rules (4) and (5) "Appointing authority" means the authority which has power to make substantive appointment to the post or service from which the Government employee retires, or wants to retire;

Explanation-2 : For the purpose of sub-rule (5) three months notice may be given either before or after the Government employee attains the age of fifty or fifty-five years but before he attains the age of fifty-seven years, provided that the retirement takes place after he has attained the age of fifty or fiftyfive years, as the case may be;

Explanation-3 : In computing the notice period of three months referred to in sub- rule (5) the date of service of notice and the date of its expiry shall be excluded.

Provided that it shall be open to the appointing authority to withhold permission to retire to a Government employee who is under suspension, or against whom departmental proceedings are pending or contemplated and who seeks to retire under this sub- rule.

11. Retirement according to the character of the post held in an officiating capacity and not the post held in a substantive capacity :-

When a Government employee holding a permanent post substantively, is officiating on another post, rule 10 shall be applied according to the character of the post on which he is officiating and not according to the character of the permanent post held substantively by him. Thus the date of compulsory retirement of the substantive holder of a post in Class IV service, who is officiating in a post not included in that service, is the date on which he attains the age of fifty-eight years. If such person desires to be governed under sub-rule (2) of rule 10, he shall be required to be reverted to a post in Class IV service before he attains the age of fifty-eight years.

12. Extension in service beyond the age of superannuation :-

Notwithstanding anything contained in sub-rule (1) of rule 10 Government may grant an extension of service to any Government employee beyond the age of superannuation, in the public interest reasons of which shall be recorded in writing. Note : Extension should not be granted beyond the age of sixty years, except in very rare and exceptional circumstances.

13. Application of rule-10 to re-employed Government Employees :-

Rule-10 shall also be applicable to re-employed personnel who have retired before reaching the age of superannuation and the rules in Chapter VII are subject to conditions laid down in rule 10. Rule 185 from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation and or retiring pension in a special class outside the purview of rule-10 and subject to the conditions stated in the rule itself which shall be required to be observed with every renewal of sanction.

14. Review of cases before superannuation or on expiry of the extension period of service :-

The case of each Government employee shall be taken up for examination when he is approaching the age of superannuation and before the expiry of each extension of service. Extensions may not be granted for any period

exceeding one year at one time, the first extension being given generally up to the end of the financial year. In cases in which it is proposed to grant extension of service, reports shall be made to Government at least two months before the necessity for sanction or fresh sanction arises.

15. Claim for compensation for retirement not be entertained :-

No Claim for compensation from a Government employee who is required to retire under the provisions of rule 10 will be entertained.

16. When extension is refused, Government employee is continued till relieved by his successor :-

When Government employee has been refused an extension of service, he may, in the absence of specific order to the contrary, be allowed to continue in service until he is relieved by his successor.

Note : In cases, however, where an extension of service has been applied for and granted and no further extension is asked for and sanctioned, the Government employee must be held to cease to be in the service of Government and to be entitled to no pay from the date of the expiration of the period for which the extension was granted. It is for the officer under whom the Government employee, to whom the extension has been given, is serving, to take timely measures to ensure, as far as in him lies, that another Government Employee shall be available to take over charge from the time-expired Government employee on the date on which the extension given terminates.

17. Promotion not be given when a Government employee is on extension of service :-

Without the previous sanction of Government, no promotion, whether officiating or substantive, and whether in a permanent or in a temporary establishment, shall be given to a Government employee who is under extension. This does not debar such a Government employee from earning an increment, if the pay of the appointment held by him is on a timescale.

18. Removal or compulsory retirement from service for misconduct, insolvency or inefficiency :-

A competent authority may remove any Government employee subject to these rules from Government service, or may require him to retire from it, on the ground of misconduct, insolvency or inefficiency :

Provided that before any such order is issued, the procedure referred to in rules 9 and 10 of the Gujarat Civil Services (Discipline and Appeal) Rules 1971, shall be followed. Note : Except where it is expressly stated otherwise, removal includes the case of a Government employee who has been asked to retire under this rule.

CHAPTER 4 GENERAL CONDITIONS

19. Limitations on number of pensions :-

(1) A Government employee shall not earn two pensions in the same service or post at the same time or for the same continuous service.

(2) A Government employee, who has retired on a Superannuation Pension or Retiring Pension, and subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.

20. Admissibility of Wound or Injury Pension :-

The rules from 69 to 76 which govern the grant of Wound or Injury Pension on account of injuries, apply to all persons employed in civil services whether permanently, temporarily, or even casually, and whether remunerated by fixed pay or at piece-work-rates.

21. Sanction of pension in special circumstances :-

In case where a pension is not admissible under any specific provision of these rules, Government may sanction pension which shall not, save in the most exceptional circumstances, exceed the monthly minimum pension as fixed by Government from time to time, or of a gratuity not exceeding the equivalent, calculated in accordance with the table prescribed under rule 100 of the value of such a pension, if the sanction is not inconsistent with the provisions of the rules. Explanation : Pension sanctioned under this rule need not be given any special name. It may be styled as Invalid, Retiring, or Superannuation, in accordance with the circumstances of each case.

22. Pension not exchangeable but gratuity may be exchanged for annuity :-

(1) A Government employee eligible for a pension is not entitled to exchange it for a gratuity.

(2) If a Government employee is eligible under these rules for a gratuity only, Government may at its discretion, if the expectation of life of the Government employee is reported by competent medical authority to be equal to the average, convert the gratuity into an annuity. The amount of the annuity shall be calculated with reference to the table of present

values prescribed by Government under rule 100.

23. Pension subject to good conduct :-

(1) Future good conduct shall be an implied condition of every grant of pension. Government may, by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct : Provided that where a part of pension is withheld or withdrawn, the amount of remaining pension can be reduced below the minimum pension as fixed by Government.

(2) Where a pensioner is convicted of a serious crime by a court of law, action under subrule (1) shall be taken in the light of the judgement of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if Government considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under sub-rule (1), follow the procedure as laid down in rules 9 and 10 of the Gujarat Civil Service (Discipline and Appeal) Rules, 1971 for imposing a major penalty.

(4) The Gujarat Public Service Commission shall be consulted before an order under subrule (1) is passed in respect of officers holding posts within their purview. Explanation : In this rule :-

(a) the expression serious crime includes a crime involving an offence under the Official Secrets Act, 1923 (Act XIX of 1923),

(b) the expression grave misconduct includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (Act XIX of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

24. Right of Government to withhold or withdraw pension :-

(1) Government may, by order in writing, withhold or withdraw a pension

or any part of it, whether permanently or for a specified period, and also order the recovery from such pension, the whole or part of any pecuniary loss caused to Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement : Provided that the Gujarat Public Service Commission shall be consulted before any final order is passed in respect of officers holding posts within their purview : Provided further that where a part of pension is withheld or withdrawn, the amount of remaining pension can be reduced below the minimum fixed by Government.

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government employee, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government employee had continued in service.

(b) The departmental proceedings, if not instituted while the Government employee was in service, whether before his retirement or during his reemployment-

(i) shall not be instituted save with the sanction of the Governor,

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government employee during his service.

(3) In case of a Government employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 144 to 146 shall be sanctioned.

(4) Where Government decides not to withhold or withdraw pension but

orders recovery of pecuniary loss from pension, the recovery shall not, subject to the provision of subrule (1) of this rule, ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government employee.

(5) For the purpose of this rule :-

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government employee or pensioner, or if the Government employee has been placed under suspension from an earlier date, on such date, and

(b) judicial proceedings shall be deemed to be instituted -

(i) in case of criminal proceedings, on the date on which the complaint or report is made by a police officer of which the Magistrate takes cognizance, and

(ii) in case of civil proceedings, on the date of presenting the plaint in the court.

CHAPTER 5 QUALIFYING SERVICE

25. Qualifying Service :-

Subject to the provisions of these rules, qualifying service of a Government employee, means and includes -

(i) all service including service on probation rendered on a regular establishment in any capacity whether, temporary or permanent, interrupted or continuous but it shall not include -

(a) service in non-pensionable establishment,

(b) service paid from contingences,

(c) service rendered in daily rated establishment,

(d) actual periods of break in service if any, between spell of service,

(e) service prior to resignation, removal or dismissal,

(f) service as an apprentice,

(g) service on fixed pay basis, and

(h) service on contract basis.

(ii) all service rendered in work charged establishment provided that the total service put in, as such is five years or more,

(iii) foreign service,

(iv) vacation taken by Government employee in vacation department,

(v) all periods of leave including extraordinary leave upto a maximum of thirty six months during entire service,

(vi) addition to qualifying service admissible under rule-37,

(vii) services rendered as Kotwal by a Government employee after regular appointment in the regular time scale.

(viii) services rendered as full time attendant by a Government employee before his regular appointment in class IV service, and

(ix) services rendered under Central Government/Central Government Autonomous bodies having pension scheme, by a Government employee who is absorbed in Government.

(x) Pensionable service rendered by an employee in a grant-in-aid institution the pension liability in respect of which is borne by the Government to the extent as may be ordered by the Government from

time to time.

26. Conditions subject to which service qualifies :-

(1) The service of a Government employee shall not qualify unless his duties, pay and allowances are regulated by the Government or under conditions determined by the Government.

(2) For the purposes of sub-rule (1) the expression service means service under Government and paid by Government from the Consolidated Fund of State.

27. Age after which service counts for pension :-

Service rendered by a Government employee after attaining the age of eighteen years shall only be counted for pension.

28. Counting of pre-retirement civil service in the cases of re-employed Government employees :-

(1) A Government employee who has retired on Compensation Pension or Invalid Pension or compensation gratuity or invalid gratuity, is re-employed and appointed to a service or post to which these rules apply, may exercise option either-

(a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, and in such case his former service shall not be counted as qualifying service, or

(b) to cease to draw his pension and refund-

(i) the pension already drawn after re-employment,

(ii) the value received for the commutation of part of pension, and

(iii) the amount of death-cum- retirement gratuity including service gratuity, if any, and count the previous service as qualifying service :
Provided that -

(i) the pension drawn prior to the date of re-employment shall not be required to be refunded,

(ii) the element of pension which was ignored for fixation of his pay shall be refunded by him :

(2) The appointing authority shall alongwith the order of appointment require in writing the Government employee to exercise the option under sub-rule (1) within three months of the date of issue of such order or if he is on leave on that day within three months of his return from leave whichever is later, and shall also bring to his notice that if no option is exercised within the period referred to above, he shall be deemed to have opted for clause (a) of sub-rule (1).

(3) In case of a Government employee who opts for clause (a) of sub-rule (1), the pension or gratuity admissible for his subsequent service is subject to the limitation that service gratuity or the commuted value of the pension and death-cum-retirement gratuity, if any, shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, that would be admissible at the time of the Government employees final retirement if the two periods of service were combined and the value of retirement benefits have already been granted to him for the previous service.

Explanation : The commuted value of pension shall be calculated in accordance with the Table prescribed under rule 100 applicable at the time of second or final retirement.

(4) (a) A Government employee who opts for clause (b) of sub-rule (1) shall be required to refund the gratuity (Compensation or Invalid) received in respect of his earlier service, in monthly installments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.

(b) The right to count previous service as qualifying service shall not be revived until the whole amount is refunded.

(5) In case of a Government employee, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of

unrefunded gratuity (Compensation or Invalid) shall be adjusted against the death- cum-retirement gratuity which may become payable to his family.

29. Cases in which Military service to be counted as service for pension :-

A competent authority may by general or special order direct that the Military service performed by a Government employee, after attaining the age of eighteen years, who before entering civil services was in Military Services but did not earn a pension in Military Services, shall be treated as service qualifying for pension. In issuing such an order, the appointing authority shall specify the method by which the amount of service shall be calculated and may impose such conditions which it may think fit :

Provided that -

- (1) the Military service must have been pensionable under military rules;
- (2) the Military service must have been paid from Consolidated Fund of India or of State or pensionary contribution for that service must have been received by Consolidated Fund of India or State, and
- (3) if the service is treated as service qualifying for civil pension, any bonus or gratuity received in lieu of pension or since discharge from Military service must be refunded in not more than thirty six monthly installments from such date as the appointing authority may direct.

Explanation-1 : An order under this rule shall be communicated to the Controller of Defence Accounts concerned who will be requested to calculate the exact amount to be recovered and communicate it to the Director of Pension and Provident Fund who shall make the recoveries in as many installments as may be directed in the order.

Explanation-2 : Period of Leave taken in Military service which was not counted as service under those rules before the Government employee became subject to the Civil Services leave rules shall not be treated as service for the purposes of this rule.

Explanation-3 : It shall be permissible to allow Military service interposed between two periods of civil service to count for civil pension, provided that the conditions laid down in this rule are fulfilled.

Explanation-4 : Approved war service or military service shall be required to be verified in the Form-1 from the Military authorities concerned.

Explanation-5 : Temporary Military service rendered by a Government employee with an interruption between the Military and Civil service shall be treated as qualifying service under rule-25. The Government employee shall be required to refund the service gratuity, if any, received by him in respect of Military service rendered by him, before he is allowed to count that service towards civil pension.

30. Counting of periods of suspension :-

Time passed by a Government employee under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified, in other cases, the period of suspension, shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares that it shall count to such extent as the competent authority may declare. Note : In absence of specific indication to the contrary in the service record, the period of suspension shall be taken into account towards the qualifying service.

31. Counting of past service on reinstatement :-

(1) A Government employee who is dismissed, removed or compulsorily retired from the service, but is reinstated on order in appeal or review, shall be entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not be counted as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

32. Forfeiture of service on dismissal or removal :-

Dismissal of a Government employee from a service or post entails

forfeiture of his past service. Removal of a Government employee from service or post entails forfeiture of his past service unless specific entries to the contrary are made in the service records.

33. Forfeiture of service on resignation :-

A Government employee who is reappointed to Government service after resignation of his own accord shall not be entitled to count the service rendered by him prior to the date of resignation towards qualifying service. Exception : Where the Government employee had good reasons for resigning from service in the first instance or if he was compelled by reasons beyond his control (for example due to illness) to quit the service before due date of retirement, Government may consider to permit him to count certain past pensionable service for the purpose of pension.

34. Interruption in service :-

(1) Unless there are specific entries regarding break in service in the service record of the Government employee, all service from the date of entry to the date of retirement shall be treated as continuous - subject to the condition that in case if there is interruption in service of a period of more than three months, the entire interruption shall be disregarded while working out the qualifying service, interruption upto three months being treated as qualifying service.

(2) All unauthorised absences not regularised by grant of leave and all leave of any kind granted for a continuous period exceeding five years shall constitute a brake in service and shall be dealt with as per sub-rule (1).

35. Period of non-employment on non-continuous post :-

If a Government employee is serving in an establishment the duties of which are not continuous but are limited to a certain fixed period in each year, the period during which the establishment is not employed shall be treated as service qualifying for pension : Provided that it shall not be so treated unless the Government employee is on actual duty-

(a) on the date on which the establishment is discharged prior to such period on completion of this work, and

(b) on the date on which he is re-employed after the expiry of such period. Note : This rule does not apply to service in a vacation department, referred to in rule- 48 of the Gujarat Civil Services (Leave)

Rules, 2002 and Appendix-III thereof.

36. Non-Pensionable service, counting for pension :-

Government may by general or special order permit service other than pensionable service, for performing which a Government employee is paid from Consolidated Fund of State to be treated as duty for the purpose of counting pension. In issuing such an order Government shall specify the method by which the period of duty shall be calculated and may impose any condition which it thinks fit.

37. Addition to qualifying service for Superannuation pension :-

(1) Government employees whole pensionable service has been rendered on one or the other of the posts or service mentioned below and whose qualifying service for pension is not less than ten years, may add to their services qualifying for Superannuation Pension, the number of years by which their age on appointment exceeded twenty five years subject to maximum addition of ten years :-

(i) Assistant Judges.

(ii) Metropolitan Magistrates for the city of Ahmedabad (including the Chief Metropolitan Magistrates.)

(iii) Judges of small Causes Court, Ahmedabad. (including the Chief Judge.)

(iv) District and Sessions Judges.

(v) Civil Judges, Senior and Junior Division, and the Resident Magistrates directly recruited from the Bar.

(vi) President and Members of the Industrial Courts.

(vii) Adjudicators and Members of Industrial Tribunals.

(viii) Administrator General and Official Trustee.

(ix) Judges of the Ahmedabad City Civil Court, including the Principal Judge, appointed directly from Bar.

(2) Government employees whose whole pensionable service has been rendered on one or the other of the posts or service mentioned in sub-rule (1) above and who are appointed directly from the Bar after attaining such an age which does not enable them to complete requisite number of years of qualifying service to receive recurring pension, may add to their service qualifying for superannuation pension, number of years as mentioned below :-

| Completed years age on first appointment from the Bar. | Actual qualifying service on Superannuation age | | Additional qualifying service under this rule | Total Service for Pension | |
|--|---|--------|---|---------------------------|--------|
| | 60 Yrs | 58 Yrs | | 60 Yrs. | 58 Yrs |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 49 | 11 | 9 | 5 | - | 14 |
| 50 | 10 | 8 | 5 | - | 13 |
| 51 | 09 | 7 | 5 | 14 | 12 |
| 52 | 08 | 6 | 5 | 13 | 11 |
| 53 | 07 | 5 | 5 | 12 | 10 |
| 54 | 06 | 4 | 5 | 11 | - |
| 55 | 05 | 3 | 5 | 10 | - |

38. Condonation of deficiency and addition in service :-

Government may, for reasons to be recorded in writing :-

(1) condone a deficiency, which may not ordinarily exceed one year, in the period of service qualifying for pension performed by a Government employee in order to qualify him to receive a Retiring Pension or to receive a pension as distinct from a gratuity; or

(2) make an addition, which may not ordinarily exceed one year, to the period of service qualifying for pension, performed by a retiring Government employee which under the provisions of these rules may be counted for pension.

Explanation-1 : The power under sub-rule (2) shall be exercised only in respect of Class-IV Government employees retiring on Invalid or Compensation Pension.

Explanation-2 : The power of Government under this rule may be exercised by the pension sanctioning authority provided that the period of deficiency to be condoned or addition to be made does not exceed three months.

39. Non-pensionable service :-

Notwithstanding any thing contained in rule 25, the following shall not be pensionable service :-

(a) Government employees who are paid for services rendered for Government but who are not retained for whole time in the public service,

(b) Government employees who are not in receipt of pay but are remunerated by honoraria,

(c) Government employees holding posts which have been declared to be nonpensionable,

(d) Holders of all tenure posts in the Medical Department, whether private practice is allowed to them or not, when they do not have an active or suspended lien on any other permanent posts under Government.

40. Power of Government to declare any service as non-pensionable :-

Government may declare that service in any post or establishment created after the commencement of these rules or the service of future incumbents of existing posts shall not be qualifying service for the purpose of pension.

41. Service cost recovered from third party :-

The fact that the whole or part of pay of a Government employee in pensionable service is recovered by Government from a third party, does not operate to render his service other than pensionable, if the Government employee is appointed, controlled and paid by Government. Explanation : "Third Party" means the other bodies whose works are undertaken by the Roads and Buildings Department and which are termed as "deposit works" or "third party works" and the provision for which exists in the P.W.D. manual.

42. Verification of qualifying service after twenty years of

qualifying service :-

(1) When a Government employee completes twenty years of qualifying service, the Head of Department in the case of a Gazetted officer or the Head Office in the case of a Nongazetted Government employee in consultation with the Director of Pension & Provident Fund, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government employee, determine the qualifying service and communicate to him in Form-2 the period of qualifying service so determined. The verification so carried out shall be subject to final verification of qualifying service to be made at the time of retirement of the Government employee.

(2) Notwithstanding anything contained in sub-rule (1) where a Government employee is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus, the verification of his service may be done whenever such event occurs.

(3) The verification done under sub-rules (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for the purpose of pension.

CHAPTER 6 PENSIONABLE PAY

43. Pensionable Pay :-

(1) The Pensionable Pay means the average pay earned by a Government employee during the last ten months service.

(2) For the purpose of sub-rule (1) pay means pay as defined in rule-9 (53) drawn by a Government employee in officiating or substantive capacity on permanent/or temporary or tenure post.

Explanation-1 : If a Government employee immediately before his retirement or death while in service or having been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the pay which he would have drawn had he not been absent from duty or suspended, shall be the pay

for the purposes of this rule.

Provided that any increase in pay (other than the increment referred to in Explanation-4 below) which is not actually drawn shall not form part of this pay.

Explanation-2 : If, during the last ten months of his service, a Government employee had been absent from duty on extraordinary leave, or had been under suspension, the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the pensionable pay and equal period before the ten months shall be included.

Explanation-3 : If a Government employee immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the pay which he draw immediately before proceeding on such leave or being placed under suspension shall be the pay for the purposes of this rule.

Explanation-4 : If a Government employee immediately before his retirement or death while in service was on leave other than extraordinary leave and earned an increment which was not withheld during the first six months of the period of leave, such increment, though not actually drawn, shall form part of his pensionable pay.

Explanation-5 : However it will be open to any Government employee to exercise an option, which shall be final, within one month from the date of his retirement to have his pension revised-recalculated on the basis of thirty six months or twenty months average pay as may be beneficial to him.

Explanation-6 : The pay drawn by a Government employee while on foreign service shall not count for pension. In such a case the pay which the Government employee would have drawn under the Government had he not been sent on foreign service, shall alone be taken into account while calculating pensionable pay.

Explanation-7 : Where a pensioner who is re-employed in Government service, elects in terms of clause (a) of sub-rule (1) of rule 28 to retain his

pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as pay for calculation of pensionable pay.

CHAPTER 7 CLASSES OF PENSIONS AND CONDITIONS FOR GRANTS OF PENSION

44. Different classes of pensions :-

The following classes of pension or family pension is admissible to the Government employees or their families :-

(1) Superannuation Pension, means a pension granted to a Government employee who retires from Government service at an age of fifty-eight years or sixty years as the case may be.

(2) Retiring Pension, means a pension granted to a Government employee who retires voluntarily on completion of twenty/twenty-five/thirty years qualifying service or who is required by the appointing authority to retire in the public interest, but before attaining the age of superannuation.

(3) Invalid Pension, means a pension granted to a Government employee who retires from Government service, on account of mental or bodily infirmity before attaining the age of superannuation.

(4) Compensation Pension, means a pension granted to a Government employee who is discharged from Government service otherwise than on medical certificate and for no fault of his own, before attaining the age of Superannuation.

(5) Wound or Injury Pension, means pension granted to a Government employee wounded or injured while in Government service.

(6) Compassionate Pension, means a pension granted to a Government employee who is removed from Government service for misconduct, insolvency, or inefficiency.

(7) Family Pension, means Family Pension, admissible and granted under Chapter-IX or X of these rules to the family of the deceased Government employee.

(1) SUPERANNUATION PENSION

45. Superannuation Pension :-

A Government employee who retires on his attaining age of superannuation as provided in rule-10 shall be granted a Superannuation Pension.

(2) RETIRING PENSION

46. Retiring Pension :-

A Retiring Pension shall be granted to a Government employee who voluntarily retires, or is retired, before attaining the age of superannuation in accordance with the provisions contained in of rule 10 or rules 47 to 51.

47. Retirement on completion of thirty years qualifying service :-

(1) A Government employee may retire at any time after completion of thirty years qualifying service, or he may be required by the appointing authority not lower in rank than that of appointing authority to retire in the public interest :

Provided that -

(a) a Government employee shall give a notice of atleast three months in writing to the appointing authority before the date on which he intends to retire; or

(b) the appointing authority shall give a notice of atleast three months in writing to a Government employee before the date on which he is required to retire in the public interest.

(2) A Government employee, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall not be allowed to withdraw his voluntary retirement subsequently except with the approval of the appointing authority :

Provided that the request for withdrawal shall be made before the intended date of his retirement.

Explanation : Qualifying service of thirty years referred in sub-rule (1)

means qualifying service excluding extra ordinary leave sanctioned in the entire service of an employee.

48. Retirement on completion of twenty years qualifying service :-

(1) A Government employee on completion of twenty years qualifying service, may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) The qualifying service as on the date of intended retirement of the Government employee retiring under this rule shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government employee does not in any case exceed thirty years : Provided that the total qualifying service after allowing the increase under this subrule shall not exceed the qualifying service which the Government employee would have had, if he had retired voluntarily at the lowest age limit for voluntary retirement prescribed under sub- rule (5) of rule 10.

(4) (a) A Government employee referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons thereof;

(b) On receipt of a request under clause (a), the Head of Department in case of Class-IV employee and the Head of Administrative Department concerned in case of other employees, subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that there is no departmental inquiry pending or contemplated against the Government employee, may relax the requirement of notice of three months on the condition that the Government employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three

months.

(5) A Government employee, who has elected to retire under this rule and has given the notice to that effect as required under these rules to the appointing authority, shall not be allowed to withdraw such notice except with the approval of the appointing authority :

Provided that the request for withdrawal of notice shall be made before the intended date of his retirement.

(6) The pension and death-cum-retirement gratuity of the Government employee retiring under this rule shall be based on the pay as defined under rule-9 (53) read with rule- 43 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation or addition of pay for the purposes of calculating pension and gratuity.

(7) This rule shall not apply to a Government employee who retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

Explanation-1 : For the purpose of this rule the expression "appointing authority" shall mean the authority which is competent to make substantive appointment to the service or post from which the Government employee seeks voluntary retirement.

Explanation-2 : Qualifying service of twenty years referred in sub-rule (1) means qualifying service excluding the notional service added under sub-rule (3) and also extra ordinary leave sanctioned in the entire service of an employee.

49. Voluntary retirement on completion of twenty five years qualifying service :-

(1) A Government employee at any time after completion of twenty-five years qualifying service, may, by giving notice of not less than three months in writing to the appointing authority, retire from service;

(2) The notice of voluntary retirement given under sub-rule (1) shall

require acceptance by the appointing authority :

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) The qualifying service as on the date of intended retirement of the Government employee retiring under this rule shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government employee does not in any case exceed thirty three years : Provided that the total qualifying service after allowing the increase under this subrule shall not exceed the qualifying service which the Government employee would have had, if he had retired on reaching the age of superannuation as prescribed under sub-rule (1) of rule 10.

(4) a) A Government employee referred to in sub-rule (1) may make request in writing to the appointing authority to accept notice of voluntary retirement of less than three months by giving reasons therefore;

b) On receipt of a request under clause (a), the Head of Department in case of Class-IV employee and the head of Administrative Department concerned in case of other employees, subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that there is no departmental inquiry pending or contemplated against the Government employee, may relax the requirement of notice of three months on the condition that the Government employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(5) A Government employee, who has elected to retire under this rule and has given the notice to that effect as required under these rules to the appointing authority, shall not be allowed to withdraw such notice except with approval of the appointing authority :

Provided that the request for withdrawal of notice shall be made before the intended date of his retirement.

(6) The pension and death-cum-retirement gratuity of the Government employee retiring under this rule shall be based on the pay as defined under rule-9 (53) read with rule 43 and the increase not exceeding five years in his qualifying service under sub-rule (3) shall entitle him for the notional pay during these notional years of qualifying service in the pay scale in existence on the actual date of retirement for the purposes of calculating pension and death-cum-retirement gratuity.

Provided that in case of the Government employee retiring from a post occupied by him as a result of leave vacancy, deputation vacancy, fortuitous promotion etc., or from a temporary post sanctioned for a limited period, the appointing authority shall require to issue a certificate in Form No. 3.

(7) This rule shall not apply to a Government Employee who retires from Government service under rule 51 for being absorbed permanently in a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

Explanation-1 : For the purpose of this rule the expression "appointing authority" shall mean the authority which is competent to make substantive appointment to the service or post from which the Government employee seeks voluntary retirement.

Explanation-2 : Qualifying service of twenty five years referred in sub-rule (1) means qualifying service excluding the notional service added under sub-rule (3) and also extra ordinary leave sanctioned in the entire service of an employee.

50. General Conditions for voluntary retiring Government employees :-

(1) Before issuing the orders allowing a Government employee to retire voluntarily under rule 47 or 49, the appointing authority shall get the qualifying service put in by the Government employee verified by the Director of Pension and Provident Fund, Gujarat State.

(2) Except without permission from the Government, the Government employee who has retired voluntarily under rule 48 or 49 shall not be re-employed under any of the following :-

(i) State/Central Government Office,

(ii) Municipal Corporation,

(iii) Municipality,

(iv) Panchayat,

(v) Grant-in-aid institution (including colleges) in Gujarat.

(3) The voluntary retirement of the Lecturers of Government Colleges under rule-48 or 49 shall be subject to the following further conditions :-

(i) The pension of the lecturer shall be fixed in two manners -

(a) without benefits of rule 48 or 49 (as the case may be), and

(b) with benefits of the said rules (as the case may be) with a condition in the Pension Payment Order that the extra benefits occurring under the rule 48 or 49 (as the case may be) shall be withdrawn if he joins any University or Institution affiliated to any University in Gujarat.

(ii) All Universities/affiliated Institution to any University of the State shall intimate the Commissioner of Higher Education as and when they employ any retired college lecturer.

(iii) On receipt of such intimation from the University/Institution, the Commissioner of Higher Education shall arrange to issue an order to the effect that the retired lecturers pension shall be permanently reduced and refixed at the lower amount. However, the pension drawn at higher rate before getting re-employed shall not be recovered. The concerned pension disbursing authority on receipt of such order from the Commissioner of Higher Education shall pay to the retired lecturer only such amount as mentioned in the order.

(iv) During this re-employment the pay of the retired lecturers shall be fixed in accordance with rule-172 in Chapter-XVIII of these rules.

(4) The employees retiring on voluntary basis shall be required to follow the above instructions scrupulously and breach of the same will be viewed seriously by the Government.

51. Pension on absorption in or under a public sector undertaking
:-

(1) A permanent Government employee who while on deputation is permitted to be absorbed in a service or post in a public sector undertaking, if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected from the date from which the pro-rata pension gratuity, etc. would be disbursable as under :-

(a) The pro-rata pension and death-cum-retirement gratuity shall be based on the length of his qualifying service under Government till the date of absorption. The pension will be calculated on the basis of pensionable pay for thirty six months preceding the date of absorption and the death-cum-retirement gratuity on the basis of the pay drawn immediately before absorption.

(b) In case where a Government employee at the time of absorption has less than ten years service and is not entitled to pension, he will only be eligible for proportionate service gratuity in lieu of pension and to death-cum-retirement gratuity based on length of service.

(c) The amounts of pension/gratuity and the death-cum-retirement gratuity would be concurrently worked out and will be intimated to the Government employee as well as to the concerned organisation as and when the Government employee is absorbed.

(d) The Government employee shall in addition to the death-cum-retirement gratuity be granted, on an application made in this behalf, a lump sum amount not exceeding the commuted value of forty percent of his pension as may be admissible to him in accordance with the provisions of Chapter XI and XII of these Rules. No medical examination of the

Government employee shall be necessary for granting the commuted value of pension.

(2) The payment of retirement benefits under sub rule (1) shall also be subject to following conditions, namely :-

(a) The total gratuity admissible in respect of service rendered under the Government and that under the concerned public sector undertaking should not exceed the amount that would have been admissible had the Government employee continued in Government service and retired on the same pay which he drew on retirement from the concerned public sector undertaking.

(b) (i) The benefit of family pension under Chapter-X of these rules shall be admissible only to the families of those who are actually in receipt of pension from the State Government, after their absorption in the public sector undertaking referred to in this rule. This benefit shall not be admissible to the families of those who got only the service gratuity.

(ii) Family Pension shall be admissible from only one source either from the State Government or the public sector undertaking referred to in this rule in case such public sector undertaking has a similar scheme for payment of Family Pension. The beneficiary shall be given option to choose either of the two schemes.

(iii) Grant of Family Pension shall be subject to other conditions specified in Chapter-X of these rules.

(iv) It shall be the responsibility of pension sanctioning authority to process the claim of Family Pension. He shall forward the claim of Family Pension after verifying that there exists no scheme for grant of Family Pension to the families of Government employee already absorbed in the public sector undertaking.

(c) Any further changes in pension rules after the permanent absorption of a Government Employee in a concerned public sector undertaking shall not be extended to him :

Provided that in case of retrospective effect of such rules, he shall be

entitled for the same.

(d) Public sector undertaking shall in respect of the Government employee who opt for absorption take over the liability in regard to earned leave that optee has to his credit at the time of leaving Government service and in return the Government shall pay to the public sector undertaking a lump sum amount equal to leave salary for earned leave due to the Government employee on the date of his permanent absorption. While issuing the final sanction for the absorption of the optee in the public sector undertaking, the administrative department concerned shall also incorporate the provision with regard to such refund. Once the liability on account of earned leave at the credit of Government employee on the date of absorption is discharged, there shall not be any further liability of the State Government in respect of any encashment of leave thereafter.

(3) A permanent Government employee who has applied directly in respect to an advertisement and has been appointed in public sector undertaking wholly or substantially financed by Government, on his permanent absorption in such organisation shall be entitled to benefits under these rules except carry forward of leave.

(4) The cases governed under these orders shall be decided by the concerned Administrative Department in consultation with the Finance Department.

(5) The pay of the Government employee absorbed in the public sector undertaking shall be regulated as per rule-172.

(6) The Orders regarding absorption of the Government employee in the public sector undertaking shall be made in Form-4.

(7) The provisions contained in this rule shall also be applicable to the Government employees who are absorbed in Autonomous Body or Municipal Corporation in the State of Gujarat.

(3) INVALID PENSION

52. Conditions for grant of Invalid Pension :-

(1) An Invalid Pension shall be granted to a Government employee, who has completed ten years of qualified service and permitted to retire from Government service before reaching the age of superannuation, on production of a medical certificate in the Form-5 to the effect that he is by mental or bodily infirmity incapacitated for Government service or for a particular branch of Government service to which he belongs.

(2) Appointing Authority shall have powers to refer a Government employee to the Medical Board for opinion as to whether he is by mental or bodily infirmity incapacitated for Government service or for a particular branch of Government service to which he belongs.

53. Non-admissibility of Invalid pension when discharged on grounds other than infirmity :-

A Government employee discharged from Government service on grounds other than grounds of infirmity shall not be eligible for an Invalid Pension, even on production of medical evidence of incapacity for Government service.

54. Non-admissibility of Invalid Pension if incapacity is due to irregular or intemperate habits :-

An Invalid Pension shall not be granted to a Government employee whose incapacity is directly due to irregular or intemperate habits. If incapacity has not been directly caused by such habits but has been accelerated or aggravated by them, the competent authority shall decide the amount of reduction in the pension.

55. Submission of medical certificate for Invalid Pension :-

An application for an Invalid Pension from a Government employee who is less than sixty years of age if he is in Class IV service or fifty eight years of age in other cases shall be supported by the requisite medical certificate in Form-5; but, if omission has been made in this respect, the appointing authority may accept a certificate bearing a later date.

56. Medical certificate of unfitness for further service :-

(1) A medical certificate of unfitness for further service produced by a Government employee shall be accompanied, if possible by a succinct statement of the medical case and of the treatment adopted and, except as provided in sub-rule (2) of this rule, shall be in Form-5.

(2) If the incapacity does not appear to be complete and permanent, the certificate shall be modified accordingly, and given in Form-6 if justified by the facts of the case.

(3) The object of the medical certificate prescribed under sub-rule (1) and (2) to the effect that the Government employee is completely and permanently incapacitated for further service in the department to which he belongs or of the alternative certificate (of partial incapacity) in the foregoing sub-rules is that a Government employee may, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. The competent authority while granting Invalid Pension shall consider this and if there be no means of employing him even on lower pay, then he may be granted Invalid Pension, but it shall be considered whether in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under these rules.

(4) If the certifying medical authority is unable to discover any specific disease of the government employee, considers him to be incapacitated for further service by general disability while still under the age of fifty-eight/sixty years, it shall give detailed reasons for its opinion, and in that case a second medical opinion shall, if possible, be obtained.

(5) A simple certificate that inefficiency is due to old age or to natural decay from advancing years, shall not be sufficient in the case of an employee whose recorded age is less than fifty eight/sixty years; but a medical authority may, when certifying that the employee is incapacitated for further service by general disability, state its reasons for believing the age to be understated.

57. Authorities empowered to sign the medical certificate of incapacity for further service :-

A medical certificate of incapacity for further service shall if granted in India, be signed by the Medical Board, constituted under rule-13 of the Gujarat Civil Services (General Conditions of Service) Rules, 2002 :

Provided that the certificate of Civil Surgeon or Superintendent of Civil Hospital, as the case may be, shall be valid, in case of Class-IV employees and also in case of other employees, if in the opinion of a Civil Surgeon or the Superintendent of Civil Hospital, as the case may be, the Government employee cannot without grave risk of serious injury to his health, present himself before the Medical Board. It shall be recorded in writing with reasons therefor, and shall be countersigned by the Additional Director of

Medical Services.

58. Decision to be communicated to the Government employee retired on Invalid Pension and giving him an opportunity to appeal to Medical Appeal Board :-

(1) If the appointing authority comes to the conclusion on the report of a Medical Officer or any of the Medical Boards that a Government employee should be retired on Invalid Pension, it shall inform the Government employee that he has been declared to be completely and permanently incapacitated for further service and that it is proposed to invalidate him and shall be informed that, if he so desires, he may, within one month, submit to the said authority a request to be examined by a Medical Appeal Board, supported by -

(a) prima facie evidence that good ground for an appeal exists, and

(b) accompanied by a treasury receipt for Rs. 250 credited as non-refundable fees.

The Government employee shall also be informed that the appeal cannot be claimed as of right but that, if an application as above be made, it will be considered. The Government employee concerned shall also be informed of the arrangements regarding the constitution of the Appeal Board as provided in rule-59, but he shall not be informed of the reasons which led the Medical Officer or the standing Medical Board to recommend his invalidation.

(2) Appeals presented within the prescribed period shall be forwarded to the concerned Administrative Department and if the Administrative Department of the Government after consultation with the Commissioner of Health and Medical Services and Health and Family Welfare Department holds that a sufficiently strong case for review has not been made out, the application for hearing the appeal shall be rejected. If, however, the department after such consultation, holds that a prima facie case for review by an Medical Appeal Board has been made out, the appeal shall be referred to a Medical Appeal Board.

59. Medical Appeal Board to hear appeals :-

(1) In case of Government employees in the Class-III and Class-IV

services when the appeal is from a decision of a Civil Surgeon or Superintendent of Civil Hospital, the case of Government employee concerned shall be placed before a standing Medical Board constituted under rule-13 of the Gujarat Civil Services (General Conditions of Service) Rules, 2002. The Civil Surgeon/Superintendent of the Civil Hospital from whose decision the appeal is made shall not be the President or a member of the Board.

(2) In case of the officers of the State Service, a special Medical Appeal Board shall be constituted which shall hear an appeal from a decision of any of the standing Medical Boards.

Provided that no Medical Officer who first recommended the invalidation of the Government employee or who sat either as Chairman or as member of the standing Medical Board shall be a member of the Medical Board or of the Medical Appeal Board, as the case may be to which the appeal is referred. The Commissioner of Health and Medical Services shall not be a member of the said Board and Government in the Health and Family Welfare Department shall decide in each case who should constitute the Medical Appeal Board.

60. Constitution of Medical Board for Invalid Pension for Government employee while on leave out of India :-

When a Government employee on leave out of India applies for Invalid Pension his medical examination shall be arranged through the Indian Mission abroad, the Surgeon and an Ophthalmologist, each of them having the status of a consultant. The services of doctors approved for the officers and staff of the Mission concerned shall be utilised for this purpose provided they fulfil above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined. The provisions of rules-56, 61 and 62 shall be brought to the notice of the Board and a medical certificate shall be issued in Form-5 or Form-6. The total expenditure in this regard shall be borne by the concerned Government employee.

61. Medical Certificate of incapacity not to be issued without the knowledge of the Head of Office :-

Serious illness of a Government employee may be an excuse for placing him under treatment but not for giving him a certificate of a permanent incapacity for further service without the knowledge of the appointing authority and without having received authority from the Department or Office to which the Government employee belongs.

62. Conditions subject to which Medical Certificate of incapacity accepted on refusal of Government employee to undergo an operation :-

A Medical certificate of incapacity for further service in consequence of rapture or some such disease, for which the examining Medical Officer recommends an operation, but the Government employee does not submit to an operation, should not be accepted without question. In such cases the medical report should state the findings on the following issues :-

(a) Is the Government employee at present incapacitated for service ?

(b) Does the expert medical testimony indicate that an operation would offer a reasonable probability of removing his incapacity ?

(c) Does the Government employee refuse to undergo the operation ?

(d) In the ordinary acceptance of the term, would the operation be dangerous ? Explanation : It is not entirely equitable to deprive men, whose ignorance leads them to reject the relief they might derive from an operation, of the whole pension which they have already earned, but the amount of pension to be granted shall be varied in accordance with the medical report. Men of this class will thus be offered a further inducement to submit to an operation and shall not be retired until they have had an opportunity of considering the alternatives which confront them.

63. Authorisation from Head of Office for examining the Government employee for incapacity :-

A medical certificate of incapacity for further service shall not be granted in India unless the employee produces a letter showing that the appointing authority is aware of his intention to appear before the medical authority. That authority shall be supplied by the appointing authority with a statement of the pensioners age as it appears from his service book or from other official records.

64. Cessation of duty on production of a medical certificate of incapacity :-

A Government employee who has submitted under rule-55 a medical certificate of incapacity for further service shall if he is on duty, be invalidated from service from the date he is relieved from his duties, which shall be arranged without delay on receipt of the medical certificate, or, if

he is granted leave under rule-39 of Gujarat Civil Services (Leave) Rules, 2002 on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under the said rule 39.

Explanation : The period allowed for arranging the relief of a Government employee from duty who is incapacitated for further service of any kind should not exceed seven days from the date of the medical certificate. A departure from this rule shall not be made without extraordinary reasons which shall be reported to Government for approval. Without special orders from Government, service rendered after the period of seven days from the date of such medical certificate, shall not be counted for the purpose of pension.

(4) COMPENSATION PENSION

65. Conditions for grant of compensation pension :-

If a Government employee is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post, the conditions of which are deemed by the authority competent to discharge him to be atleast equal to those of his own, have the option -

(a) of taking any Compensation Pension or gratuity to which he may be entitled for the service he has already rendered, or

(b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

Note : Before a pension is granted to a Government employee under this rule, it shall be carefully considered whether he can be appointed to a another post, the conditions of which are equal to the present post held by him and if it is not possible to do so the reasons therefore, shall be recorded in writing.

66. Drawal of Compensation Pension in foreign service :-

A Government employee who is in foreign service shall be held to have lost his lien in Government service from the date on which the post held by him in Government service is abolished, and no leave salary or pension contributions shall be received after that date. He shall be treated as having retired from Government service from that date, and shall be permitted to draw the Compensation Pension to which he is entitled in

addition to the pay which he receives at that time from his foreign employer.

67. Additional gratuity in addition to Compensation Pension when notice of discharge is not given :-

(1) If in any case three months notice of his intended discharge has not been given to a Government employee discharged from Government service in the circumstances mentioned in rule-65, he may be granted in addition to the Compensation Pension or gratuity admissible under the rules, an additional gratuity not exceeding his emoluments for the period by which the notice given to him falls short of three months. For the purpose of this rule, emoluments mean the pay or leave salary, or both, which the Government employee would have received during the period in question, had notice not been given to him.

(2) If an additional gratuity is granted to a Government employee under sub-rule (1), his Compensation Pension shall not become payable until the expiry of the period covered by the gratuity.

68. Final pension not to be less than the Compensation Pension :-

If a Government employee, who is entitled to Compensation Pension, but ceases to draw any part of pension and his previous service is counted for pension, and accepts another post in Government service and subsequently he becomes entitled to receive pension of any kind, the amount of such pension shall not be less than that of the Compensation Pension which he could have claimed if he had not accepted the post.

(5) WOUND OR INJURY PENSION

69. Procedure for Wound or Injury Pension :-

(1) When an application for wound or injury pension is received, the Head of the Department or Office in which the pensioner is employed shall hold a formal inquiry taking evidence so as to the circumstances in which the wound or injury was received.

(2) He shall then submit the application in Form-7, through proper channel to the appointing authority along with a statement of circumstances of the case and his own prayer / request.

(3) The Head of Department or Head of Office shall then arrange for the

examination of the pensioner by a Medical authority mentioned in rule 57, and shall refer the case to the said authority with a full statement of the points on which a report from the said authority is desired.

(4) On receipt of the report of the Medical authority the competent authority shall, if it considers that pension should be granted, forward the application along with the accompaniments to the Director of Pension & Provident Fund.

70. Conditions for grant of production of medical certificate for Wound or Injury Pension :-

A Wound or Injury Pension may be granted on the production of a medical certificate in Form-8 or on the production of a certificate from a Medical authority provided in rule-57, that the wound or injury is so severe as to justify the grant of pension, even though the Government employee concerned may not be permanently incapacitated for further service as a result of wound or injury.

71. Temporary grant of Wound or Injury Pension and its subsequent extension :-

A Wound or Injury Pension shall be granted not necessarily for the life time of the pensioner but for such period as Government may decide. If such pension is granted temporarily in the first instance, it may subsequently be extended for such further period as may be considered necessary depending upon the continuance of the disability and its severity.

72. Wound or Injury Pension depends on the continuance of disability :-

A Wound or Injury Pension, except when it is sanctioned for life, shall depend on the continuance of the disability. The payment shall be subject to the production of a medical certificate, once in three years, from the Civil Surgeon or Superintendent of the Civil Hospital or a Medical Board in accordance with the provisions of rule-70. Where the disability has disappeared or become less, Government may pass such orders regarding its continuance as are deemed fit.

73. Conditions for grant of Wound or Injury Pension :-

Government may grant Wound or Injury Pension to a Government employee who is wounded or injured under any of the following conditions :-

(a) while serving in a civil capacity in circumstances justifying his presence with a military force, if his presence with the force can reasonably be held to be wholly or in part due to the fact that he is at the time a Government employee in civil employ,

(b) while serving in a military capacity with a military force, either because he has been called out on actual military service as a member of the Territorial Army or in other circumstances justifying his presence with the force,

(c) while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.

Note 1 : The performance by a Medical Officer of an operation of a venereal or septicaemic patient, or the attendance by a nurse or a medical subordinate upon such a patient, or the employment of a Magistrate or Police Officer in the suppression of a riot or disturbance, is duty involving extraordinary bodily risk for the purpose of this rule.

Note 2 : Government do not recognise a claim on account of an injury resulting from an ordinary accident met with by a Government employee on duty.

Note 3 : A Officer travelling on duty by air should be regarded as exposed to special risks of office for the purpose of this rule.

74. Exceptional cases for grant of Wound or Injury Pension :-

Government may, in exceptional cases when the conditions of rule 73 (c) are not strictly fulfilled, sanction the grant of a wound or Injury Pension to a Government employee who -

(a) is injured in or in consequence of the due performance of his official duties or because of his official position, or

(b) sustains serious injury to his health in execution of the official duties.

75. Admissibility of other pension in addition to Wound or Injury Pension :-

If a Government employee is permanently incapacitated for Government service by a wound, injury or disability in respect of which a Wound or Injury Pension or gratuity is granted to him under these rules, he shall be granted on retirement in addition to such pension or gratuity any other pension or gratuity for which he is eligible under these rules.

76. Grant of Wound or Injury Pension to whom Workmens Compensation Act, 1923 applies :-

In case of a person to whom Workmens Compensation Act, 1923 applies :-

(a) a pension or gratuity shall be paid under the provisions of rules 69 to 75 only if Government consider that the compensation payable under the Act is inadequate in a particular case; and

(b) the amount of pension or gratuity paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

(6) COMPASSIONATE PENSION

77. Grant of Compassionate Pension :-

(1) A Government employee who is removed or required to retire from Government service for misconduct or insolvency shall be granted no pension other than a Compassionate Pension.

(2) A Government employee who is removed or required to retire from Government service on the ground of inefficiency, shall, if he be eligible for a superannuation, or retiring pension, be granted such pension. If he is not eligible for a Retiring or Superannuation pension he shall be granted no pension other than a Compassionate Pension.

78. Grant of Compassionate pension in deserving cases by Government :-

(1) When a Government employee is removed or required to retire from Government service for misconduct or insolvency or is removed or required to retire from Government service on grounds of inefficiency before he is eligible for a Retiring or Superannuation Pension, Government may, if the case is considered deserving of special treatment, sanction the grant to him of a Compassionate pension.

(2) A dismissed Government employee is not eligible for Compassionate Pension.

79. Amount of Compassionate Pension to be fixed by Government in each case :-

The amount of Compassionate Pension granted to a Government employee under rule-78 shall be such as Government may fix in each case :

Provided that,

(a) When a Government employee is removed from Government service for insolvency, inefficiency or misconduct, it shall not exceed two-thirds of the invalid pension which would have been admissible to him had he retired on a medical certificate; and

(b) When a Government employee is required to retire from service for insolvency, inefficiency or misconduct, it shall be at a rate not less than two-thirds of and not more than full invalid pension admissible to him on the date of his compulsory retirement, had he retired on medical certificate.

Note : The pension sanctioned under this rule shall not be reduced below the minimum pension as fixed by the Government.

CHAPTER 8 REGULATION OF AMOUNT OF PENSIONS AND GRATUITY

80. Amount of Service Gratuity/Pension :-

(1) In the case of a Government employee retiring on Superannuation, Retiring, Invalid, Wound and Injury or Compensation Pension before completing qualifying service of ten years, the amount of service gratuity shall be one months pay for each completed year of service.

(2) (a) In the case of a Government employee retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of

pension shall be fifty per cent of the pensionable pay subject to minimum amount of Rs. 1275 and maximum amount of Rs. 13000.

Provided that the full pension in no case shall be less than 50 percent of the minimum of the revised scale of pay introduced with effect from 1st January, 1996 for the post held by the employee at the time of retirement.

(b) In the case of a Government employee retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules before completing qualifying service of thirty-three years but after completing qualifying service of the ten years, the amount of pension shall be proportionate to the amount of pension under clause (a) and in no case the amount shall be less than minimum.

(3) In calculating the length of qualifying service, fraction of a year equal to six months and above shall be treated as a complete year and reckoned as qualifying service.

(4) The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

Note : The pay for the purpose of service gratuity admissible under sub-rule (1) shall be the last drawn pay plus dearness allowance admissible on the date of actual retirement.

81. Death-Cum-Retirement Gratuity :-

(1) (a) A Government employee, who has become eligible for service gratuity or pension under rule 80 shall, on his retirement, be granted deathcum- retirement gratuity equal to one half of his pay last drawn for each completed year of qualifying service, subject to a maximum of 16.1/2 times the pay.

(b) If a Government employee dies while in service the amount of death-gratuity determined as under shall be paid to his family in the manner mentioned in subrule (1) of rule 83. Completed year of qualifying service

Amount of Death-Gratuity

- (1) Less than one years service Two months pay
- (2) One year or more but less than five years Six months pay
- (3) Five years or more but less than twenty years Twelve months pay
- (4) Twenty years or more One months pay for each completed year of service limited to thirty three pays.

Provided that the amount of death-cum-retirement gratuity and death gratuity payable under this rule shall in no case, exceed rupees three lacs and fifty thousands.

(2) If a Government employee, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement and the sums actually received by him at the time of his death on account of such gratuity or pension including temporary increase in pension, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him, are less than the amount equal to 12 times of his pay, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 83.

Note : The pay for the purpose of sub-rule (1) shall be the last drawn pay plus dearness allowance admissible on the date of actual retirement/death.

82. Family for the payment of death-cum-retirement gratuity :-

For the purpose of rules-81 and 83 to 85 family, in relation to a Government employee, means -

Group-1

- (1) wife in the case of male Government employee.

- (2) husband, in the case of a female Government employee,
 - (3) unmarried sons,
 - (4) married sons,
 - (5) unmarried daughters,
 - (6) married daughters,
 - (7) widowed daughters,
 - (8) widow of the predeceased sons,
 - (9) children of a predeceased son,
- Group-2
- (10) brothers below the age of eighteen years,
 - (11) unmarried sisters
 - (12) widow sisters,
 - (13) father, and
 - (14) mother.

Note-1 : Sons/Daughters include step/adopted sons/daughters.

Note-2 : Brothers/Sisters include step brothers/sisters.

83. Persons to whom gratuity is payable :-

(1) (a) The gratuity payable under rule-81 (1) (b) shall be paid to the person or persons in favour of whom the nomination is made under rule-85.

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the following manner:-

(i) in case there are one or more surviving members of the family from Group-1 referred to in rule- 82, to all such members in equal shares;

(ii) in case there are no such surviving members of the family as shown in sub-clause (i) above, but there are one or more members from members of the family from Group-2 referred to in rule-82, to all such members in equal shares.

(2) If a Government employee dies after retirement without receiving the death-cumretirement gratuity admissible under sub-rule (1) of rule 81, the same shall be disbursed to the family in the manner shown in sub-rule (1).

(3) The right of female member of the family, or that of brother, of a Government employee who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries or the brother attains the age of eighteen years, after the death of the Government employee and before receiving her or his share of the gratuity.

(4) Where gratuity is granted to a minor member of the family of the deceased Government employee, it shall be payable to the guardian on behalf of the minor after the guardian executes an indemnity bond in Form-9 and furnishes an affidavit about guardianship.

Explanation : Hindu or a Christian mother being natural guardian, shall not be required to execute any indemnity bond or affidavit.

84. Payment of gratuity when no nomination exists :-

Where a Government employee dies while in service or after retirement

without receiving the amount of gratuity/death-cumretirement gratuity and leaves behind no family and -

(a) has made no nomination, or

(b) the nomination made does not subsist, - the said amount in respect of such Government employee shall be payable to the individual in whose favour the heirship certificate has been given by the court.

85. Nominations :-

(1) A Government employee shall, on his initial appointment in a service or post, make a nomination in forms as prescribed by the Government and as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under rule-81. Provided that if at the time of making the nomination -

(i) the Government employee has a family members from Group-1 referred to in rule-82, the nomination shall not be in favour of any person or persons other than the members of his family of the said group; or

(ii) the Government employee has no member of the family from Group-1 referred to in rule-82, the nomination may be made in favour of a member of family from Group-2 failing which in favour of a person or persons, or a body of individuals, whether incorporated or not.

Explanation : For the purpose of convenience the nomination forms are laid down and issued by Government vide Finance Department Government Resolution No. DPP/ 1099/496/945 (4)/P, Dated 23-6-2000.

(2) If a Government employee nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.

(3) A Government employee may provide in the nomination -

(i) that in respect of any specified nominee who dies before the death of

Government employee, or who dies after the death of the Government employee but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination :

Provided that if at the time of making the nomination, the Government employee has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family :

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a Government employee in favour of a member of the family from Group-2 referred to in rule-82, who has no family member of Group-1 at the time of making it, shall become invalid in the event of the Government employee subsequently acquiring a family from Group-1 or an additional member in the family from the said group as the case may be.

(5) The nomination made by a Government employee under proviso (ii) to rule-85 (1) in favour of a person or persons who are not the members of family from Group-1 or 2 referred to in rule-82 at the time of making it, shall become invalid in the event of the Government employee subsequently acquiring a member of family from either Group- 1 or 2 or an additional member in the family from the said group/s as the case may be.

(6) A Government employee may, at any time, cancel a nomination by sending a notice in writing to the Head of Office in case he is a non-Gazetted Government employee, to the Head of Department if he is a Gazetted Officer and to the Pay and Accounts Officer if he is a Head of Department :

Provided that he shall along with such notice, send a fresh nomination made in accordance with this rule.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause

(ii) of that sub- rule, the Government employee shall send to the Head of Office, a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

(8) (a) Every nomination made (including every notice of cancellation, if any, given) by a Government employee under this rule shall be sent -

(i) if the Government employee is Gazetted Officer to the Head of Department concerned; and

(ii) if the Government officer is the Head of Department to the Pay & Accounts Officer, Gandhinagar.

(iii) in any other case, to the Head of Office.

(b) The Head of Department or Head of Office or the Pay and Accounts Officer, as the case may be, shall, immediately on receipt of the nomination referred to in clause (a), countersign it indicating the date of receipt and keep it under his custody.

(c) (i) The Head of Office may authorise his subordinate Gazetted Officers to countersign the nomination forms of Non-gazetted Government employees

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Government employee.

(9) Every nomination made, and every notice of cancellation given, by a Government employee shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Department / Head of Office or Pay and Accounts Officer as the case may be.

CHAPTER 9 DELETED

86. XXX XXX XXX :-

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CHAPTER 10 FAMILY PENSION SCHEME, 1972

87. Applicability :-

The provisions of this chapter shall apply -

(a) to a Government employee who has entered the service in a pensionable establishment on or after the 1st June, 1971, and

(b) to a Government employee who was in service on the 1st June, 1971 and has opted for this Family Pension Scheme, 1972.

(c) All cases of the family pension to the family of a deceased Government employee or of a deceased pensioner, pending before the commencement of these rules shall be regulated in accordance with the rules/orders in existence at the relevant time.

88. Terms used in this chapter :-

For the purposes of this chapter -

(a) "family", in relation to a Government employee means -

(i) wife in the case of a male Government employee or husband in the case of a female Government employee, even if the marriage took place before or after retirement of the Government employee;

(ii) a judicially separated wife or husband, provided that the marriage took place before the retirement of the Government employee.

(iii) son or daughter who has not attained the age of twenty-five years including such son and daughter adopted legally before retirement and son or daughter born after retirement from the marriage which took place after retirement.

(iv) Parents who were wholly dependent on the Government servant when he/she was alive, provided the deceased employee had left behind neither a widow nor a child at the time of his / her death.

(b) "pay" means the basic pay drawn by the Government employee at the time of retirement or death while in service.

89. Details of Family to be furnished by Government employee :-

(1) (i) As soon as the Government employee enters Government service, he shall give details of his family in Form- 13 to the Pay and Accounts Officer if he is Head of Department or to the Head of Department if he is a Gazetted Officer or to the Head of Office if he is a Non-gazetted Government employee.

(ii) if the Government employee had no family, he shall furnish the details in Form- 13 as soon as he acquires a family.

(2) The Government employee shall communicate to the Pay and Accounts Officer or Head of Department or Head Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his child.

(3) The Pay and Accounts Officers or Head of Department or Head of Office shall, on receipt of the said Form-13, paste it in the service book of the Government employee concerned and acknowledge the receipt of the said Form-13 and all further communications received from the Government employee in this behalf.

(4) The Pay and Accounts Officers or Head of Department or the Head of Office as the case may be, on receipt of communication from the Government employee regarding any change in the size of family shall incorporate such a change in Form-13.

90. Amount of Family Pension :-

(1) (i) Where a Government employee, dies while in service the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn and the amount so admissible shall be payable from the date following the date of death of the Government employee, for a period of seven years, or for a period upto the date on which the deceased Government employee would have attained the age of 65 years had he survived, whichever period is less;

(ii) In case the event of death of a Government employee after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period up to the date on which the retired

deceased Government employee would have attained the age of 65 years had he survived, whichever is less :

Provided that in no case the amount of family pension determined under subclause

(ii) of this clause shall exceed the pension authorised on retirement from Government service :

Provided further that in no case the amount of family pension shall be less than thirty percent of the pay last drawn by the Government employee.

Explanation : For the purpose of this sub-clause, pension sanctioned on retirement includes the part of the pension which the retired Government employee may have commuted before death.

(2) After the expiry of the period referred to in sub-rule (1), the family in receipt of Family Pension under that clause, shall be entitled to Family Pension at the rate of thirty percent of the pay last drawn by the Government employee.

(3) The amount of Family Pension shall be fixed at monthly rates and be shown in whole rupees and where the Family Pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

91. Family Pension to whom payable :-

(1) The period for which family pension is payable shall be as follows :-

(i) In the case of a widow or widower, until the date of death or remarriage, whichever is earlier;

(ii) in the case of son, until he attains the age of twenty-five years or until he gets married, whichever is earlier; and

(iii) in the case of an unmarried daughter, until she attains the age of twenty-five years or until she gets married, whichever is earlier;

(2) (i) where the Family Pension is payable to more than one widows then, the Family Pension shall be paid to the widows in equal shares;

(ii) on the death of a widow, her share of the Family Pension shall become payable to her eligible child. In case of such child becoming ineligible to get the share of Family Pension, the same shall be payable to the surviving widow/widow or/ and their children in equal shares.

Provided that if the widow is not survived by any child her share of the Family Pension shall be payable to other widows in equal shares. If there is one such widow full amount of family pension shall be payable to her.

(3) Where the deceased Government employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of Family Pension which the mother would have received if she had been alive at the time of the death of the Government employee or pensioner.

(4) Where a deceased Government employee or pensioner leaves behind more than one child, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-rule (1), as the case may be and after the expiry of that period the next child shall become eligible for the grant of Family Pension.

(5) Where a deceased Government employee or pensioner leaves behind him/her no eligible child, the family pension shall be paid to his/her parents. The income criterion and certain other eligibility conditions for the grant of family pension to the dependent parents of the deceased Government employee shall be as under :-

(i) Parents who were wholly dependent on the deceased Government servant when he/she was alive will only be entitled to family pension.

(ii) The deceased employee had left behind him/her neither widow/widower or a child at the time of his/her death.

(iii) The family pension wherever admissible to parents, the mother will receive the pension first and after her death the father will receive the

family pension.

(iv) The income criteria will be that their earning is not more than Rs. 2550 per month.

(v) They will have to produce an annual certificate to the effect that their earning is not more than Rs. 2550 per month.

(vi) It will be the responsibility of the pension sanctioning authorities concerned to satisfy themselves, based on a scrutiny of the service records and other relevant documents, that the parents were, in fact, wholly dependent on the deceased Government servant when he/she was alive and that he/she has not left behind any of the other specified beneficiaries who have a prior claim to the family pension.

(vii) The parents will get Family Pension at the rate of 30% of the basic pay of the deceased employee, subject to a minimum of Rs. 1275 per month.

(6) In case both wife and husband are Government employees and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of death of the husband or wife, the surviving child or children shall be granted two family pensions in respect of the deceased parents.

(7) Except as provided in sub-rule (2), the Family Pension shall not be payable to more than one member of the family at the same time;

(8) If deceased Government employee or pensioner leaves behind a widow or widower, the Family Pension shall become payable to the widow or widower, failing which to the eligible child;

(9) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for Family Pension unless the youngest son attains the age of twenty five years and thereby becomes ineligible for the grant of Family Pension.

92. Payment of Family Pension to a minor :-

Where Family Pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor, after the guardian executes an indemnity bond in Form-12 and furnishes an affidavit about guardianship. Note : Hindu or a Christian mother being a natural guardian, shall not be required to execute an indemnity bond or affidavit.

93. Payment of Family Pension to mentally retarded, blind etc. children :-

Without prejudice to the provisions contained in rule-91, if the son or daughter of a Governments employee born before or after retirement, from the marriage which took place before or after his retirement is suffering from any disorder or disability of mind or is physically crippled or disabled or is blind so as to render him or her unable to earn a living even after attaining the age of twenty-five years the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-

(1) the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Officer not below the rank of a Civil Surgeon or Superintendent of Civil Hospital setting out, as far as possible, the exact mental or physical condition of the child;

(i) if such son or daughter is one among two or more children of the Government employee, the family pension shall be initially payable to the children in the order set out in sub-rule (9) of rule-91, until the last minor child attains the age of twenty-five and thereafter the Family Pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled or blind and shall be payable to him/her for life;

(ii) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled or blind the family pension shall be paid in the following order namely :-

(a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the lifetime of the elder;

(b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the Family Pension only after the life time of

the elder;

(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;

(iv) before allowing the Family Pension for life to any such son or daughter, the sanctioning authority shall satisfy itself that the person receiving the Family Pension as guardian of such son or daughter shall produce every three years a certificate from a Medical Officer not below the rank of a Civil Surgeon/ Superintendent of Civil Hospital to the effect that he or she continues to suffer from disorder or disability of mind or continue to be physically crippled or disabled.

(v) Where the names of eligible children have not been mentioned in the Pension Payment Order and the child is post retiral one or post retiral manifestation of disability of the child, the pensioner, if so he/she so desires can furnish the list of eligible children to the pension sanctioning authority inter-alia indicating whether any child is handicapped or not. Receipt of this may be acknowledged by the pension sanctioning authority mentioning the details of eligible children taken on record. This acknowledgement may be preserved by members of the family of the pensioner for production at the time of claim for family pension in their own turn to the pension sanctioning authority. In case of mentally retarded children or minor children who would draw pension through guardian, the responsibility of producing this acknowledgement will, however, not be a pre-condition to the processing of claims for family pension. Explanation :

(a) Disability or blindness which manifests itself before the retirement or after the death of the Government employee while in service but before the son/daughter attained the age of twenty-five years shall be taken into account for the purpose of grant of Family Pension under this sub-rule.

(b) A son or daughter shall become ineligible for Family Pension under this sub-rule from the date he or she gets married.

(c) The Family Pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) In such cases it shall be the duty of the guardian to furnish a

certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood, and (ii) he or she has not yet married.

(2) they are already not in receipt of any pension or are eligible therefor, under any other rules of any other State Government or the Central Government and/or a public sector undertaking or Autonomous body under the State Government or Central Government

94. Temporary Increase on Family Pension :-

The temporary increase in pension, sanctioned by Government from time to time shall be payable to the family in receipt of a family pension under this rule.

95. Relief in the case of death of pensioner in receipt of service pension :-

(1) In case of death of a pensioner who is in receipt of a service pension, a lump sum amount equal to one months pension shall be payable to a nominee, who has been nominated by the pensioner under this rule.

Note : The term Pension shall mean the actual amount of pension together with the temporary increase actually admissible to the pensioner on the date of his death.

(2) A Government employee who is to retire shall make a nomination in the form prescribed by the Government and submit the same to the Director of Pension and Provident Fund alongwith the pension papers. This form shall form part of the Pension Payment Order. The pensioner shall revise the nomination in a case where the nominee or/and alternate nominee expires before his death or is not likely to be available in India.

(3) The nominee or the alternate nominee, as the case may be, shall furnish the certificate of death alongwith the application in Form-14 to the Treasury officer concerned while claiming the amount.

(4) The Treasury Officer concerned shall arrange the payment of the amount to the nominee or where the nominee is expired, to the alternate nominee, as far as possible on the same day of the death of the pensioner, or on the next working day immediately following the day of death of the

pensioner.

(5) In case of pensioner who dies without executing a nomination as required under this rule the amount payable shall be paid to the person entitled to receive family pension, under rule-91 or otherwise to the relatives of deceased pensioners family in the order of priority mentioned in sub-rule-6.

(6) In cases where the pensioner, the nominee and alternate nominee dies simultaneously either in an accident or in air crash etc. or the nominee and the alternate nominee expires before the death of the pensioner and the pensioner dies without making revised nomination, the amount shall be paid to the person entitled to receive family pension under rule-91, or otherwise to the relatives of the family of deceased pensioners family in the following order of priority :-

(a) wife (in the case of male Government employee),

(b) husband (in the case of female Government employee),

(c) sons,

(d) unmarried & widowed daughters,

(e) father,

(f) mother,

(g) sons of predeceased son,

(h) married daughter,

(i) brothers.

CHAPTER 11 COMMUTATION OF PENSION - GENERAL CONDITIONS

96. Restriction on commutation of pension :-

No Government employee, against whom departmental or judicial proceedings have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised or the pension, as the case may be, during the pendency of such proceedings.

97. Limit on commutation of pension :-

(1) A Government employee shall be entitled to commute for a lump sum payment, a fraction not exceeding forty percent of his pension.

(2) Application for commutation in Form-15 or as the case may be, Form-16 shall contain particular fraction of pension which he desires to commute and may either mention the maximum limit of forty percent of pension or such lower percentage as he may desire to commute.

(3) Fraction of a rupee shall be ignored for the purpose of commutation of pension.

98. Commutation of Pension to become absolute :-

(1) The commutation of pension shall become absolute in the case of a pensioner referred to :-

(i) in sub-rule (1) of rule 106 on the date on which the application in Form-15 is received by the Head of Office;

(ii) in sub-rule (3) of rule 106 on the date following the date of retirement;

(iii) in Chapter-XIII of these rules, from the date of receipt of commuted value of pension by the pensioner or three months after the issue of authority by the Director of Pension and Provident Fund, whichever is earlier. Provided that :

(a) in case of a pensioner who is drawing his pension from a Treasury, the

reduction in the amount of pension on account of commutation shall be operative from the first date of the month after the receipt of the commuted value of pension or from the first day of the month after the end of three months after issue of authority by the Director of Pension & Provident Fund informing the pensioner to collect the commuted value of pension, whichever is earlier, and

(b) in case of a pensioner who is drawing pension from a branch of a nationalised bank, the reduction in the amount of pension on account of commutation shall be operative from the first date of the month after the month in which the commuted value of pension is credited by the bank to the pensioners account to which pension is being credited.

(2) In case of a pensioner referred to in rule 103, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the proviso to sub-rule (1).

(3) The date on which the payment of the commuted value of pension was made to the pensioner or the commuted value was credited in the pensioners account, shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the Director of Pension & Provident Fund who has authorised the payment of commuted value of pension.

99. Death of a pensioner before receiving the commuted value :-

In case a pensioner dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his/her heirs.

100. Calculation of commuted value of pension :-

(1) The lump sum payable to a pensioner shall be calculated in accordance with the formula shown in the TABLE prescribed and applicable to the pensioner on the date on which the commutation becomes final.

(2) A Commutation once applied for and given effect to cannot be rescinded. Portion of a pension commuted cannot be restored on refund of its capitalised value.

101. Restoration of commuted portion of pension fifteen years after retirement :-

(1) The pensioner who has commuted a portion of his pension shall have the same restored after completion of fifteen years from the date of retirement if commutation is simultaneous with retirement. In other cases the commuted portion of pension shall be restored after fifteen years from the date of commutation i.e. from the date on which reduction in pension became effective on account of commutation.

(2) A pensioner eligible for restoration of commuted portion of pension under sub-rule (1) shall apply to the Treasury Officer/Sub-Treasury Officer in Form-17. The Treasury Officer/Sub-Treasury Officer shall restore the commuted portion of pension on the basis of details of commutation available on pension payment order and make payment accordingly. If the pensioner is drawing pension through a nationalised bank, the Treasury Officer/Sub-Treasury Officer shall obtain original Disbursers Half from the Bank and restore the commuted portion of pension. In cases where the Pension Payment Order does not mention the amount of commuted portion of pension, the Treasury Officer/Sub-Treasury Officer shall obtain the required details from the authority who had issued the same.

102. Commutation of Provisional Pension not permitted :-

A Government employee to whom pending assessment of final pension, provisional pension has been sanctioned under rules-142 to 145, shall not be eligible to commute a fraction of provisional pension under rule 97.

103. Restrospective revision of final pension :-

A pensioner who has commuted a fraction of his final pension and after commutation, his pension has been revised and enhanced retrospectively, he shall be paid, the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. The pensioner shall not be required to apply afresh for the payment of difference.

CHAPTER 12 COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

104. Scope :-

The provisions of this Chapter shall apply to pensioner who is eligible to commute a fraction of his pension without medical examination.

105. Eligibility :-

A pensioner who is authorised :-

- i) Superannuation Pension under rule-45; or
- ii) a Retiring Pension under rule 46 or 47 or 48 or 49; or
- iii) a pension on absorption in public sector undertaking under rule 51 and who receives monthly pension and death-cum-retirement gratuity; or
- iv) a Compensation Pension on abolition of permanent post under rule 65, or
- v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings and issue of final orders thereon shall, subject to the limit laid down in rule 97, be eligible to commute a fraction of his pension without medical examination : Provided that he applies for commutation of pension in Form-15 in accordance with the provisions of rule 106.

Note : Pension referred to in clause (i), clause (ii) and clause (iv) shall not include a provisional pension sanctioned under rule.

106. Application for commutation of pension :-

(1) A pensioner, who is in receipt of any pension referred to in rule-105 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall :-

(a) apply to the Head of Office in Form-15 after the date of his retirement;

(b) ensure that the application in Form-15, duly completed is delivered to the Head of Office as early as possible but not later than one year from the date of his retirement;

Provided that in the case of a pensioner :-

- i) referred to in clause (iii) of rule 105, where order retiring him from Government service had been issued from a retrospective date, the period

of one year referred to in this sub-rule shall reckon from the date of issue of the retirement orders;

ii) referred to in clause (v) of rule 105 the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.

(2) A pensioner who applies for commutation of pension within one year of the date of his retirement but his application in Form-15 is received by the pension sanctioning authority after one year from the date of his retirement shall not be eligible to get his pension commuted without medical examination. Such a pensioner, if he desires to commute a fraction of his pension, shall apply afresh in Form-16 in accordance with the procedure laid down in Chapter-XII.

(3) A Government employee who is due to retire on superannuation and desires payment of the commuted value of pension being authorised at the time of issue of the Pension Order, shall be eligible to apply for commutation of a fraction of pension in Form-15 alongwith pension papers prior to the date of retirement.

(4) The Government shall have no liability for the payment of the commuted value of pension if the Government employee dies before the date of superannuation or forfeits claim of pension before retirement.

107. Action to be taken by the Pension Sanctioning Authority on application for commutation of pension if received after issue of pension payment order :-

(1) The Pension Sanctioning Authority on receipt of application for commutation of pension in Form- 15 under rule 106 after the issue of pension payment order shall -

(a) initial the Form indicating the date of its receipt;

(b) take immediate action to fill in part-II of Form-15 and forward the same to the Director of Pension and Provident Fund after retaining one copy for his record.

(c) acknowledge immediately the receipt of Form-15 in part-III of that Form and despatch the same to the pensioner.

(2) In case application in Form-15 is received by the Pension Sanctioning Authority under sub-rule (1) of rule 106 after one year of the date of retirement of the pensioner, the Head of Office shall inform the pensioner that :-

(a) he shall not be eligible to commute a fraction of pension without medical examination;

(b) if he desires to get a fraction of the pension commuted, he should apply afresh in Form-16 so that arrangement for medical examination is made in accordance with the procedure laid down in Chapter-XIII.

108. Action to be taken by Pension Sanctioning Authority on application for commutation of pension if received one year before the date of retirement alongwith pension papers or separately before the issue of pension payment order :-

The Pension Sanctioning Authority on receipt of application in Form-15 under sub-rule (1) of rule 107 shall -

(a) Initial the Form indicating the date of its receipt;

(b) Acknowledge immediately the receipt of Form-15 in part-II of that Form and despatch the same to the pensioner.

(c) take immediate action to complete Part-III of the said Form-15 and forward the same to the Director of Pension and Provident Fund along with pension papers or separately in continuation of forwarding of the same to the Director of Pension and Provident Fund and retain one copy of the same in his Office.

109. Authorisation of commuted value of Pension by Director of Pension and Provident Fund on application of commutation of pension received by head of office after issue of pension payment order :-

(1) On receipt of Form-15 from the Pension Sanctioning Authority the

Director of Pension and Provident Fund shall verify that :-

- (a) information furnished by the Pension Sanctioning Authority is correct;
- (b) the pensioner is eligible to commute a fraction of his pension without medical examination; and
- (c) the commuted value of pension has been determined correctly by the Head of Office.

(2) The Director of Pension and Provident Fund after verification of the information furnished in Form-15 shall :-

- (a) issue authority for the payment commuted value of pension to the disbursing authority concerned;
- (b) draw the attention of the disbursing authority concerned to the proviso to subrule (1) and sub-rule (3) of rule 98 so that the disbursing authority may make entry in both the halves of the Pension Payment Order regarding the date on which the amount of pension is reduced on account of commuted part of pension;
- (c) endorse to the pensioner a copy of the authority referred to in clause (a) with the instructions that he shall collect the commuted value of pension from the disbursing authority.

110. Authorisation of commuted value by the Director of Pension and Provident Fund on application for commutation of pension received by Pension Sanctioning Authority along with pension papers before one year of the date of retirement and before issue of pension payment order :-

(1) On receipt of Form-15 from the Pension Sanctioning Authority, the Director of Pension and Provident Fund shall ascertain and verify whether the amount of Superannuation Pension of the pensioner has been calculated correctly and shall take necessary action, if not taken, to finalise the amount of pension, so that the Pension Payment Order is issued before one month of the date of retirement of the Government employee.

(2) (i) The Director of Pension and Provident Fund after verification of the information in Form-15, shall specify in both the halves of the Pension Payment Order :-

(a) the amount of pension;

(b) the commuted value of pension;

(c) the date from which the commuted value becomes payable.

(ii) The Director of Pension and Provident Fund shall intimate to the pensioner the date on which the Pension Payment Order has been despatched to the Disbursing Authority with instruction that the pensioner shall collect the commuted value from that authority.

(iii) The Director of Pension and Provident Fund while forwarding the Pension Payment Order to the Disbursing Authority concerned, shall draw attention of the said authority towards the proviso to sub-rule (1) and sub-rule (3) of rule 98 so that the Disbursing Authority may make an entry in both the halves of Pension Payment Order regarding date on which the amount of pension is reduced on account of commuted portion of pension.

(iv) The Director of Pension and Provident Fund shall also request the Disbursing Authority to intimate the date on which the payment of the commuted value has been made to the pensioner.

111. Commutation of pension of a Government employee against whom departmental or judicial proceedings are initiated :-

A Government employee against whom departmental or judicial proceedings have been initiated before the date of his retirement or the pensioner against whom, such proceedings are initiated after retirement shall, on Government decision on such proceedings be allowed to commute the portion of pension as per rule 97 without medical examination subject to the following conditions namely :-

(i) The commutation shall be allowed on the final amount of pension sanctioned.

(ii) if the Government employee/Pensioner has applied for commutation of pension before decision of such proceedings, the commuted value shall be worked out with reference to his age shown in Table on the date of such application or date of retirement whichever is later.

(iii) if the Government employee/Pensioner applies for commutation of pension within one year after the decision of such proceedings, the commuted value shall be worked out with reference to his age on the date of such application.

CHAPTER 13 COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

112. Scope :-

The provisions of this Chapter shall apply to a pensioner who is eligible to commute a fraction of his pension after medical examination.

113. Eligibility :-

A pensioner who -

(i) retires on Invalid Pension under rule-52;

(ii) is in receipt of Compassionate Pension under rule-77;

(iii) has retired from service and granted pension referred to in rule 105 but his application for commutation has not been received by the Head of Office within one year of his retirement. - shall be eligible to commute a fraction of his pension subject to the limit specified in rule 97 after he has been declared fit by the appropriate medical authority.

114. Application for commutation of pension :-

A pensioner referred to in rule 113 shall apply to the Head of Office in Form-16 for commutation of fraction of his pension.

115. Action to be taken by the Head of Office on application for

commutation of pension :-

(1) The Head of Office on receipt of an application in Part-I of Form-16 under rule 114 shall -

(a) acknowledge immediately the receipt of Form-16 in Part-II of that Form and despatch the same to the pensioner;

(b) forward Form-16 in original to the Director of Pension and Provident Fund vide part-III of that Form duly signed with the request that part-IV may be filled up and returned immediately to him so that action for getting the pensioner examined by the appropriate medical authority is taken.

(2) The Director of Pension and Provident Fund on receipt of Form-16 from the Head of office under sub-rule (i) shall fill up part-IV of the form and transmit the same to the Head of Office at the earliest.

(3) The Head of Office on receipt of Form-16 from the Director of Pension and Provident Fund under sub-rule (2) shall address in Form-18 to the Medical Board/Civil Surgeon/ Superintendent of Civil Hospital, as the case may be, where the pensioner desires to be medically examined and forward the following documents to him :-

(i) Form-16 in original with part-IV of that form duly filled up;

(ii) two copies of the pensioners photograph of which one shall be an attested copy;

(iii) a copy of Form-19 with a spare copy of part-III of that form;

(iv) report or statement of the pensioners case if he has been granted Invalid Pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.

(4) A copy of letter in Form-18 addressed to the medical authority as referred to in subrule (3) shall be endorsed to the pensioner and the

Director of Pension and Provident Fund by the Head of Office.

116. Action to be taken by medical authority :-

(1) The medical authority on receipt of documents referred to in sub-rule (3) of rule 115 shall -

(a) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the pensioner in Form-16.

(b) transmit the documents referred to in sub-rule (3) of rule 115 to the medical authority with the a request to examine the pensioner as provided in rule-120;

(c) inform the pensioner as to where and when he should appear for medical examination or, if necessary request the medical authority to communicate to the pensioner the date and time of such examination.

(2) It shall be ensured that the medical examination is done, as far as possible, before the date of pensioners next birthday.

117. Medical authority :-

(1) Save as otherwise provided in sub-rule (2), the medical authority shall be Medical Board, where a pensioner for commutation of pension -

(a) seeks commutation of Invalid Pension,

(b) seeks commutation of pension other than Invalid Pension but the amount of pension to be commuted exceeds eight hundred rupees per month; or

(c) has been refused commutation on medical grounds or if he having once declined to accept commutation on the basis of addition of years to his actual age recommended by the medical authority, has applied for a second medical examination in accordance with the provision of rules 121

and 122

(2) In any other cases not covered by sub-rule (1), the medical authority shall be a Medical Officer not lower in rank than that of a Civil Surgeon/Superintendent of Civil Hospital.

118. Fees for medical examination to be borne by the pensioner :-

The pensioner shall be required to pay for medical examination such fee as may be prescribed by the State Government.

119. Failure to appear before medical board :-

(1) If the pensioner after receipt of communication from the appropriate medical authority referred to in clause (c) of sub-rule (1) of rule 116, fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the pensioner or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Head of Office concerned and return to him the documents received under clause (b) of sub-rule (1) of rule 116.

(2) With the return of documents to the Head of Office under sub-rule (1), the application for commutation shall be treated as having been withdrawn.

120. Procedure for medical examination :-

(1) The medical authority shall -

(a) obtain from the pensioner a statement in part-I of Form-19 duly signed by the pensioner in his presence;

(b) enter the result thereof in part-II of Form-19 after medical examination of the pensioner;

(c) attest the unattested copy of the photograph of the pensioner;

(d) complete the certificate contained in part-III of Form-19 provided that where -

(i) a pensioner has been granted Invalid pension, or

(ii) a pensioner has previously commuted a part of his pension, or

(iii) a pensioner has been refused commutation on medical grounds, or

(iv) a pensioner had declined to accept the commutation on the basis of addition of years to his actual age; the medical authority shall, before completing the certificate contained in Part-III of Form-19, take into consideration the statement of the medical case of the pensioner.

(2) After complying with the requirements of sub-rule (1), the medical authority shall immediately forward to the Director of Pension and Provident Fund who has already completed Part-IV of the form the following documents, namely :-

(a) Form-16 in original;

(b) attested copy of the pensioners photograph;

(c) Form-19 in original; and

(d) a certified copy of Form-19 to the Head of Office who has countersigned Part IV of Form-16.

(3) The medical authority shall also send to the pensioner a certified copy of Part-III of Form 19.

121. Second medical examination :-

(1) Subject to the provisions of rule 122, the medical examination in case of a pensioner referred to in clause(c) of sub-rule (1) of rule 117 shall take place after the expiry of a period of not less than one year from the date

of the first medical examination.

(2) If the pensioner desires to be re-examined on the expiry of the period specified in subrule (1), the examination shall be done by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with a request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter -

(a) the medical authority which examined him earlier and the date on which such examination took place,

(b) the place where he was examined,

(c) the opinion of the medical authority,

(d) the date of birth and the date of retirement,

(e) designation of the post held at the time of retirement.

(f) the amount of pension authorised,

(g) the fraction of pension which was originally applied for commutation.

(3) On receipt of letter under sub-rule (2) the Head of Office shall address the medical authority for arranging re-examination of the pensioner by a Medical Board and forward the following documents to such authority -

(a) original letter received from the pensioner;

(b) the certified copy of Form-19 received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 120.

(4) On receipt of the communication from the Head of Office under sub-rule (3) the medical authority shall inform the pensioner as to where and when he should appear for medical examination before the Medical Board or if necessary request the Medical Board to communicate to the pensioner

the place, date and time of such examination.

(5) The pensioner after the receipt of communication under sub-rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.

(6) The Medical Board shall examine the pensioner and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the pensioner. The documents received by the Medical Board under sub-rule (3) shall also be returned to the Head of Office.

(7) If as a result of the opinion of the Medical Board, received under sub-rule (6) the pensioner becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value in accordance formula shown with in the Table applicable on the date, the Medical Board recorded it opinion. The Head of Office thereafter shall request the Director of Pension and Provident Fund to take further action for the authorisation of the commuted value and forward the following documents to him :-

(i) original letter received from the pensioner under sub-rule (2);

(ii) the opinion of the Medical Board received under sub-rule (6);

(iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.

(8) On receipt of the documents under sub-rule (7) the Director of Pension and Provident Fund shall verify the correctness of the commuted value determined by the Head of Office and shall authorise the commuted value to the pensioner under intimation to the Head of Office.

122. Appeal against the findings of medical authority :-

(1) Notwithstanding anything contained in rule 121, a pensioner referred to in clause (c) of sub-rule (1) of rule 117 shall be eligible for second medical examination before the expiry of the period specified in sub-rule

(1) of rule 121, if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgement. Such a pensioner may, within one month of the receipt of the certified copy in Part-III of Form-19 from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-rule (2) at his own expense. Such appeal shall contain the following details :-

(a) the medical authority which had examined him earlier and the date on which the examination took place;

(b) the place where he was examined;

(c) the opinion of the medical authority;

(d) the date of birth and the date of retirement;

(e) designation of the post held at the time of retirement;

(f) the amount of pension authorised;

(g) the fraction of pension which was originally applied for commutation.

(2) In case a pensioner referred to in sub-rule (1) -

(a) was examined previously by a Medical Officer, not lower in rank than of that Civil Surgeon/Superintendent of Civil Hospital, he shall be re-examined by a Medical Board, or

(b) was previously examined by a Medical Board, he shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.

(3) The Head Office shall, within one month of the receipt of the letter under sub-rule (1), take steps for arranging the re-examination of the pensioner. For this purpose, he shall address the medical authority, where

the pensioner was examined previously. He shall, while addressing the medical authority, invite his attention to the provisions of sub-rule (2) and forward the following documents :-

(a) original letter received from the pensioner;

(b) certified copy of Form-19 received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 120.

(4) The medical authority on receipt of communication from the Head of Office under sub rule (3) shall arrange for the second medical examination of the pensioner by a Medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The medical authority shall, thereafter, inform the pensioner the place, date and time to appear for medical examination before the Medical Board or, if necessary, direct the Medical Board to communicate to the pensioner the place, date and time of such examination.

(5) The pensioner on receipt of communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.

(6) The Medical Board shall examine the pensioner and if, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification, shall record its opinion and communicate the same to the Head of Office under intimation to the pensioner and the findings of the Medical Board shall be binding on the pensioner.

(7) If the Medical Board in the second medical examination of the pensioner sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to be operative from the date on which the first medical authority recorded its opinion and the claim of the pensioner for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to a pensioner in whose case that medical authority as a result of the first medical examination had directed that the pensioners age for the purpose of commutation should be assumed to be greater than his actual age, and the pensioner received the commuted value with reference to the enhanced age.

123. Withdrawal of application :-

(1) The pensioner may after giving a notice in writing, to the Pension Sanctioning Authority, withdraw his application at any time before subjecting himself to the medical examination before the medical authority but in no case after he has appeared before such authority.

(2) In case the medical authority directs that the pensioners age for the purpose of commutation shall be assumed to be greater than his actual age, the pensioner may -

(a) by giving notice in writing to the Head of office withdraw his application within fourteen days from the date on which he received the certified copy of Part- III of Form-19 and endorse a copy of notice to the Director, Pension and Provident Fund, or

(b) request the Head of Office within the period specified in clause (a) under intimation to the Director, Pension and Provident Fund that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the pensioner.

(3) Where a request for withdrawal has not been made by the pensioner within the time specified in clause (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the Director of Pension and Provident Fund shall take action to authorise the payment of commuted value of pension.

(4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-rule (2), the Director of Pension and Provident Fund shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the pensioner is informed by the Director of Pension and Provident Fund under rule 124 that on account of modification of the Table, the commuted value becoming payable to the pensioner will be less than the value communicated to him in Form-16, it shall be open to the pensioner to withdraw his application by a written notice addressed to the Director of Pension and Provident Fund and the pensioner shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he

receives intimation of such modification.

124. Modification in the value specified in the Table :-

(1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (iii) of sub-rule (1) of rule 98, the payment shall be made in accordance with the value so modified.

(2) Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Director of Pension and Provident Fund, shall,

(a) inform the pensioner of the revised value and communicate to him the provisions of sub-rule (5) of rule-123, and

(b) endorse to the Head of Office a copy of the communication issued under clause (a).

125. Authorisation of payment of commuted value by the Director of Pension and Provident Fund :-

(1) Subject to the provisions of sub-rules (2) and (3) of rule-123 the Director of Pension and Provident Fund on receipt of the documents referred to in sub-rule

(2) of rule-120, from the medical authority shall, without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents namely :-

(i) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute;

(ii) the amount of residuary pension;

(iii) Original Form-19;

(iv) copy of the pensioners photograph as attested by the medical authority.

(2) The Director of Pension and Provident Fund shall also -

(a) bring to the notice of disbursing authority the provisions of the proviso to rule 98 regarding the date on which the amount of original pension should be reduced;

(b) endorse to the pensioner a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and

(c) bring to the notice of the pensioner the provisions of the proviso to sub-rule (1) of rule 98.

CHAPTER 14 DETERMINATION AND AUTHORIZATION OF THE AMOUNTS OF PENSION AND GRATUITY

126. Register of retiring Government employees :-

(1) Every pension sanctioning authority shall maintain a separate register for Gazetted & Non-Gazetted Government employees superannuating within next five calendar years in Form-20 having separate page allotted for each calendar year. The register shall be brought up to date before 31st July each year by ensuring the correctness of all entries therein in respect of next five calendar years.

(2) The entries in the register shall also be made in respective year as and when -

(1) a Government employee is transferred to/from another office.

(2) a Government employee retires/dies before the date of his superannuation.

(3) orders granting provisional/final pension/gratuity are issued.

(3) The pension sanctioning authority shall have monthly review of the register.

(4) The maintenance of this register shall be scrutinized by all Heads of Department during the yearly inspection of their subordinate offices and the vigilance cell of the Finance Department during its visit shall verify such registers.

127. Preparation of the list of Government employees to retire/already retired :-

(1) Each head of office shall prepare as on 1st August each year a list of all Government employees who are due to retire within next twenty four months of that date.

(2) Each head of office shall also prepare on the first of August a list of Government employees who have already retired/died before the end of July and in whose case the pension/gratuity payment orders are not issued.

(3) A copy of the lists referred to in sub-rules (1) and (2) shall be attached to the pay bill of establishment for the month of August. The same shall be detached by the Pay and Accounts Officer / Treasury and sent to the Director of Pension and Provident Fund.

128. Time schedule for the processing the pension papers of the Government employees :-

The schedule for the preparation and finalisation of the pension cases of Government employee shall be as under :-

(i) The work of preparation of pension papers shall be initiated by the pension sanctioning authority prior to twenty four months of the date of superannuation of the Government employee. In case of a death of a Government employee while in service or in case of his retirement before the date of superannuation, the work shall be immediately initiated on occurrence of death or the date of retirement of the Government employee before superannuation is known.

(ii) Pension papers shall be sent to the Director of Pension & Provident Fund twelve months before the date of retirement.

(iii) Director of Pension & Provident Fund shall ensure the issue of Pension Payment Order and Death-cum-Retirement gratuity order etc., six months before the actual date of retirement of the Government employee and send the same to the concerned treasury officer.

129. Recovery of leave salary and pension contribution in respect of foreign service :-

In case of foreign service, the question of recovery of leave salary and pension contribution shall not be raised at the time of finalisation of pension and if any portion has remained to be recovered, action to recover shall be taken up separately. If however, pension and leave salary contribution during the period of foreign service were payable by the Government employee, it shall be certified that the same has been recovered and if amount remains outstanding, it shall be shown as Government dues recoverable from death-cum-retirement gratuity.

130. Verification of Pay Fixation :-

While preparing pension papers the verification of only last pay revision and recording of the same in the service book shall be sufficient.

131. Verification of Service :-

(1) The Pension Sanctioning Authority shall verify the service book of the Government employee and satisfy himself as to the certificates of verification for the entire service and continuity of entire past service are recorded therein. It shall also ensure correctness of all the entries in the service book for the last two years and their attestation.

(2) In respect of the unverified portion or portions of service, he shall arrange to verify the same from the pay bills, acquittance rolls or other relevant records, and record the necessary certificates in the service book.

(3) If it is not possible to verify the service for any period in the manner specified in subrule (1) and sub-rule (2), that period of service having been rendered by the Government employee in another Office or Department, it shall be verified from the Head of Office in which the Government employee is stated to have served during that period for the purpose of verification.

(4) If it is not possible to verify any portion of service rendered by a Government employee in the manner specified in sub-rule (1), (2), or (3), he shall be required to file a written affidavit on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the affidavit, make and subscribe to a declaration as to the truth of that affidavit, and shall, in support of such declaration, produce all documentary evidence and furnish all information which is available with him.

(5) The Head of Office shall, after taking into consideration the facts in the written affidavit and the evidence produced and the information furnished by the Government employee in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension.

132. Making good omission in the Service Book :-

(1) The Pension Sanctioning Authority while scrutinising the certificates of verification of service, shall also identify other omissions, imperfections or deficiencies if any, which have a direct bearing on the determination of Pensionable Pay and the service qualifying for pension.

(2) Effort shall be made to complete the verification of service, in the manner as provided in rule 131 and to make good omissions, imperfections or deficiencies referred to in sub-rule (1). Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in rule 131 shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

133. Assessment of Government dues from the retiring Government employee :-

(1) The Pension Sanctioning Authority shall require to ascertain and assess Government dues, payable by a Government employee due for retirement.

(2) The Government dues as ascertained and assessed by the pension sanctioning authority which remain outstanding till the date of retirement

of the Government employee, shall be adjusted against the amount of the death-cum-retirement gratuity payable to him.

(3) The expression Government dues includes -

(a) dues pertaining to Government residential accommodation including arrears of rent, if any;

(b) dues other than those pertaining to Government residential accommodation, namely balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income-tax deduction at source under the Income Tax Act, 1961 (43 of 1961).

(4) In respect of long term advances viz. House Building Advance, Advance for the purchase of conveyance -

(i) No Due Certificate given by the concerned Head of Office based on the Last Pay Certificate shall be considered sufficient for finalisation of the pension cases;

(ii) If the Pension Sanctioning Authority himself is the Government employee for whom no due certificate is to be given, such No Due Certificate shall also be issued by him in his capacity as such but it shall be countersigned by his next higher officer.

(iii) In case outstanding dues are found later by the Pension Sanctioning Authority or other concerned authority; the amount so found shall be recovered by the concerned Department/Office before releasing the mortgage deed of concerned property.

134. Recovery and adjustment of dues other than dues pertaining to Government residential accommodation :-

(1) For the dues other than the dues pertaining to occupation of Government residential accommodation as referred to in clause (b) of sub-rule (3) of rule 133, the pension sanctioning authority shall take steps to assess the dues other than Incometax deduction two years before the date on which a Government employee is due to retire on superannuation;

(2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of Office twelve months prior to the date of the retirement of the Government employee.

(3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government employee, shall be adjusted against the amount of death-cum-retirement gratuity payable to the Government employee on his retirement.

(4) After ascertaining and assessing the Government dues which still remain outstanding on the date of retirement of a Government employee, the Pension Sanctioning Authority shall show them as recoverable Government dues in the last pay certificate.

(5) A certificate regarding Government dues outstanding from the Government employee on the date of retirement shall be attached to the pension papers of the Government employee while forwarding the same to the Director of Pension and Provident Fund.

135. No demand certificate for occupation of Government residential accommodation :-

(1) The pension sanctioning authority shall give a certificate after verification of his own records or with reference to the records of his subordinate offices that the rent for the Government residential accommodation occupied by the retiring Government employee during the last three years has been recovered. This certificate shall be treated as final for the finalisation of pension case so far as the recovery of rent from the retiring Government employee occupying Government residential accommodation is concerned.

(2) The retiring Government employee shall also give an undertaking that if arrears of rent in respect of Government residential accommodation occupied by him before retirement is detected subsequently, the same shall be recovered from the amount of Temporary Increase on pension payable to him.

136. Obtaining particulars by the Pension Sanctioning Authority :-

The Pension Sanctioning Authority shall obtain from the Government employee various particulars in Form-21, duly completed twenty four months prior to the date of retirement of the Government employee. (2) Procedure under rule 128 to 134 shall be completed twelve months before the date of retirement of the Government employee.

137. Completion of pension papers :-

The Pension Sectioning Authority shall complete Part I of Form-21 not later than twelve months before the date of retirement of the Government employee.

138. Forwarding of pension papers to Director of Pension and Provident Fund :-

(1) The Pension Sanctioning Authority shall forward to the Director of Pension and Provident Fund Form-21 with a covering letter along with service book of the Government employee duly completed, up-to-date, and any other documents relied upon for the verification of service. After complying with the requirement of rules 128 to 134 and rule 139 (1).

(2) The Pension Sanctioning Authority shall send the pension papers in duplicate to the Director of Pension and Provident Fund in case the payment is desired in another audit circle.

(3) The papers referred to in sub-rule (1) shall be forwarded to the Director of Pension and Provident Fund not later than twelve months before the date of retirement of Government employee.

Explanation : "Pension Papers" means a set of various forms as applicable to the pensioner and prescribed in these rules. For the purpose of convenience the same are consolidated and issued by the Government in Finance Department vide Circular No. DPP- 1099-496-949 (8)-P, Dated 23-3-2000 as amended from time to time.

139. No departmental inquiry / No Event Certificate :-

(1) The Pension Sanctioning Authority shall issue "No Department Inquiry" certificate on the date on which the pension papers are sent to the Director of Pension and Provident Fund. This certificate shall include the

position as obtaining of that date.

(2) After forwarding the pension papers to the Director of Pension and Provident Fund the Pension Sanctioning Authority shall verify that no departmental inquiry or other inquiry has been initiated and that no events has occurred till the date of the retirement of the Government employee, which would have bearing on his eligibility for pensionary benefits and the quantum of such benefits. The certificate in Form-22 shall be issued after due verification and a copy of the same be given to the retiring Government employee on the last day of his service to enable him to present the same to the treasury officer while drawing his / her first claim of pension and / or deathretirement gratuity.

140. Last Pay Certificate :-

The Director of Pension and Provident Fund shall finalise the pension case of the retiring/retired Government employee without waiting for his Last pay certificate. The Head of Office or Department from which the Government employee has retired shall issue the last pay certificate to the retiring/retired Government employee immediately after the payment of his last months salary. The said Last Pay Certificate shall be produced by the pensioner while drawing his pension/death-cum-retirement gratuity for the first time from the treasury.

141. Reference to Director of Pension and Provident Fund regarding occurrence of any event affecting pension :-

If, after the pension papers have been forwarded to the Director of Pension and Provident Fund within the period specified in sub-rule (3) of rule 138, any event occurs which has a bearing on the amount of pensionary benefits admissible to the Government employee it shall be immediately intimated to the Director of Pension and Provident Fund by the Pension Sanctioning Authority.

142. Provisional payment of pension and gratuity :-

(1) The Pension Sanctioning Authority shall adhere to the procedure laid down in rules 128 to 138. In cases where, in spite of following the procedure laid down in rule 128 to 138, it may not be possible for the Pension Sanctioning Authority to forward the pension papers referred to in rule 138 to the Director of Pension and Provident Fund within the period prescribed or where the pension papers have been forwarded to the Director of Pension and Provident Fund within the prescribed period but the Director of Pension and Provident Fund may have returned the pension

papers to the Pension Sanctioning Authority for elucidating further information before issue of pension payment order and order for the payment of gratuity where in case departmental or judicial proceedings are not pending against the retiring/retired Government employee and if the pension sanctioning authority is of the opinion that a Government employee is likely to retire before his pension and gratuity or both, can be finally assessed and settled in accordance with the provisions of these rules, he shall without any delay, take steps to determine the qualifying years of service and the pensionable pay after summary investigations. Explanation : For this purpose, he shall -

(i) rely upon such information as may be available in the official records, and in pension papers,

(ii) if necessary, call for from the retiring Government employee a written statement stating the total length of qualifying service including details of pay drawn during the last ten months of service but excluding the breaks and other non-qualifying period of service.

(2) The written statements as referred to Explanation (ii) above shall be signed by the Government employee alongwith declaration as to the truth of the statement.

(3) The Pension Sanctioning Authority shall thereafter determine the qualifying years of service and the pensionable pay in accordance with the information available in the official records and the information obtained from the retiring Government employee under sub-rule (1). He shall, then, determine the amount of pension and the amount of death-cum-retirement gratuity.

143. Sanction of provisional payment of pension and death-cum-retirement gratuity in case where departmental or judicial proceedings are not pending :-

After the amount of pension and gratuity have been determined under sub-rule (3), of rule 142 the Pension Sanctioning Authority shall take action as follows :-

(1) If departmental inquiry or judicial proceedings are not pending or initiated against the retiring / retired Government employee prior to his retirement, he shall issue a sanction order sanctioning provisional payment of pension and death-cum-retirement gratuity authorising -

(i) 100 per cent of pension as determined under sub-rule (3) of rule 142 as provisional pension from the date of retirement of the Government employee; and

(ii) 100 per cent of the gratuity as provisional gratuity as determined under sub-rule (3) of rule 142 subject to withholding ten per cent of gratuity or one thousand rupees, whichever is less.

144. Sanction of provisional payment of pension and gratuity where charge sheet is not issued or judicial proceedings are not instituted in respect of the Government employee against whom the departmental inquiry is pending :-

In case of a Government employee against whom the departmental inquiry is initiated but charge sheet is not issued or judicial proceedings are not instituted prior to retirement, the Pension Sanctioning Authority shall accord sanction to the provisional payment of pension and death-cum-retirement gratuity as under :-

(a) pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Government employee, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension. The amount of pension shall be determined as per sub-rule (3) of rule 142. The provisional payment shall be continued till the date on which final order are passed, after the conclusion of the departmental inquiry or judicial proceedings.

(b) ninety percent of the amount of death-cum-retirement gratuity determined under subrule (3) of rule 142, subject to withholding ten per cent of gratuity or fifteen thousand rupees whichever is less.

145. Provisional payment of pension and gratuity where charge sheet is issued or judicial proceedings are instituted in respect of the Government employee against whom the departmental inquiry is pending :-

(1) In case of a Government employee against whom the Departmental Inquiry is initiated or prosecution is granted (i.e. charge- sheet is issued or FIR is filed, as the case may be) prior to retirement, but the departmental inquiry or prosecution, is not concluded (i.e. the order of the competent

authority on the report of the inquiry officer is not issued or the judgement of trial court is not delivered, as the case may be), the Pension Sanctioning Authority shall sanction provisional payment of full amount of pension as determined under sub-rule (3) of rule 142. No provisional payment of death-cumretirement gratuity shall be sanctioned.

(2) In case of a Government employee against whom the Departmental Inquiry is initiated or prosecution is granted (i.e. charge sheet is issued or FIR is filed, as the case may be) prior to retirement, but the departmental inquiry or prosecution, is not concluded (i.e. the order of the competent authority on the report of the inquiry officers not issued or the judgement of trial court is not delivered, as the case may be), and two years have lapsed since the date of retirement, the Pension Sanctioning Authority shall sanction the provisional payment of pension and death-cum-retirement gratuity as under :-

(i) 100 per cent of pension as determined under sub-rule (3) of rule 142 if the same is not sanctioned under sub-rule (1).

(ii) 100 per cent of gratuity as determined under sub-rule (3) of rule 142 subject to withholding of after 10 per cent or fifteen thousand rupees which ever is less.

146. Conditions for the payment of provisional pension :-

The conditions for the provisional payments of pension and gratuity shall be as under :-

(1) Sanction for the provisional payment of pension shall be given only in cases of Superannuation, Retiring (including pension sanctioned on voluntary retirement), and Invalid pension and death-cum-retirement gratuity.

(2) Sanction for the provisional payment of Compensatory and Wound and Injury pension shall not be given.

(3) The Pension Sanctioning Authority shall mention the amount recoverable from the gratuity under rule 133 in the sanction order.

(4) The amount of provisional pension and death-cum-retirement gratuity

shall be paid from the treasury/sub-treasury mentioned in the sanction order. The pensioner shall not be entitled to have the payment transferred to any other treasury/sub-treasury.

(5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary, be revised after the completion of the detailed scrutiny of the records.

(6) The payment of provisional pension shall continue till final payment of pension is authorised by the Director of Pension and Provident Fund.

(7) If the amount of provisional pension and/or death-cum-retirement gratuity disbursed to a Government employee under rules-142 or 143 or 144 or 154 is, on its final assessment, found to be in excess of the final assessment by the Director of Pension & Provident Fund, it shall be open to the Pension Disbursing Authority to adjust the excess amount of pension out of gratuity withheld under rule-143 or 144 or 154 or recover the excess amount of pension in instalments by making short payments of the pension payable in future.

(8) Payment of provisional pension made under rule-145 shall be adjusted against final retirement benefits sanctioned to such Government employee upon conclusion of such proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

147. Date of retirement to be notified :-

After the retirement of a Government employee from service a notification to that effect in case of a Gazetted Officer and an office order in the case of a Non-gazetted Government employee, shall be issued within a week of such date specifying the date of retirement and a copy of such notification or office order, as the case may be, shall be forwarded to Director of Pension and Provident Fund.

148. Revision of pension after authorisation :-

(1) Subject to the provisions of rules 23 and 24, pension once authorised after final assessment shall not be revised to the disadvantage of the Government employee, unless such revision becomes necessary on account

of detection of a clerical error subsequently :

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Pension Sanctioning Authority without the concurrence of the Finance Department, if the clerical error is detected after a period of two years from the date of authorisation of pension.

(2) A notice shall be served by the Pension Sanctioning Authority to the retired Government employee requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him for the purpose of subrule (1).

(3) In case the Government employee fails to comply with the notice, the Pension Sanctioning Authority shall, by order in writing, direct that such excess payment, shall be adjusted in installments by short payments of Temporary Increase of pension in future, in one or more instalments, as the Pension Sanctioning Authority may direct.

CHAPTER 15 DETERMINATION AND AUTHORIZATION OF THE AMOUNT OF FAMILY PENSION AND GRATUITY IN CASE OF DEATH OF GOVERNMENT EMPLOYEES WHILE IN SERVICE

149. Claims for Family Pension and gratuity in case of death while in service :-

(1) Where the Head of Office has received an intimation about the death of a Government employee while in service, it shall be communicated to the Pension Sanctioning Authority if he himself is not a Pension Sanctioning Authority. The Pension Sanctioning Authority shall ascertain the amount of the death gratuity or family pension or both payable to the family of the deceased Government employee.

(2) (a) Where the family of the deceased Government employee is eligible for the death gratuity under sub-rule (1) of rule-81, the Pension Sanctioning Authority shall ascertain-

(i) if the deceased Government employee had nominated any person or persons to receive the gratuity; and

(ii) if the deceased Government employee had not made any nomination

or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Pension Sanctioning Authority shall, require the concerned person in Form-23 or Form-24, as the case may be appropriate, for making a claim in Form-25.

(3) Where the family of the deceased Government employee is eligible under rule-91 for the Family Pension :-

(a) the Pension Sanctioning Authority shall address the widow or widower in Form-26 for making a claim in Form-27; and

(b) where the deceased Government employee is survived only by a child or children, the guardian of such child or children may submit a claim in Form-27 to the Pension Sanctioning Authority :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of a child if the child has attained the age of eighteen years and such child may himself or herself submit a claim in the said Form-27.

(4) Where the family of the deceased Government employee is eligible for family pension under rule-86 the Pension Sanctioning Authority shall ascertain -

(i) if the deceased Government employee had nominated a member of his family to receive the payment of Family Pension; and

(ii) where the deceased Government employee had not made any nomination or the nomination made does not subsist, the person to whom the Family Pension, may be payable.

150. Completion of Pension Papers :-

(1) (a) The Pension Sanctioning Authority while obtaining claim or claims from the family under rule 149 shall also undertake the completion of Pension Papers. It shall be completed within one month of the date on

which intimation regarding the date of death of the Government employee is received.

(b) The Pension Sanctioning Authority shall satisfy from the service book of the deceased Government employee as to whether certificates of verification for the entire service are recorded therein.

(c) The Pension Sanctioning Authority shall accept the unverified portion of service if any, as verified from the service book. For this purpose, the Pension Sanctioning Authority may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Pension Sanctioning Authority shall ensure that service was not forfeited on account of dismissal, removal or resignation from service.

(2) (a) The Pension Sanctioning Authority shall verify the correctness of pay for a maximum period of one year preceding the date of death of the Government employee, for the purpose of determination of pay for Family Pension and death-cum-retirement gratuity.

(b) In case of Government employee on extraordinary leave on the date of death, the correctness of the pay for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave, shall be verified.

(3) The process of determination of qualifying service, pensionable pay, the amount of family pension and death gratuity shall be completed within one month of the receipt of intimation regarding the date of death of the Government employee.

151. Determination of the amount of Family Pension and gratuity in case of incomplete service records :-

In case where the service book is not maintained properly and it is not possible for the Pension Sanctioning Authority to accept the unverified portion of service as verified on the basis of entries in the service book, the Pension Sanctioning Authority shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be limited to the following spells of service :-

(a) For the purpose of Family Pension Scheme, 1972 pay for the last year of service shall be verified and accepted by the Pension Sanctioning

Authority and the amount of Family Pension shall be determined under sub-rule (2) and sub-rule (3) of rule 90.

(b) The procedure for determination of the amount of family pension in accordance with the provisions of sub-rules (1) to (4) of rule-149 shall be completed within one month from the receipt of intimation of death of the Government employee.

(c) For the purpose of death gratuity -

(i) In case of deceased Government employee having more than five years of qualifying service but less than twenty years of qualifying service, on the date of his death and the spell of last five years service has been verified and accepted by the Pension Sanctioning Authority, the amount of death gratuity shall be as provided in clause (b) of sub-rule (1) of rule-81.

(ii) In case of deceased Government employee having more than twenty years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under subclause (i), the family of the deceased Government employee shall be allowed, on provisional basis, the death gratuity equal to twelve times of the pay last drawn. Final amount of the gratuity shall be determined by the Pension Sanctioning Authority on the acceptance and verification of the entire spell of service which shall be completed by the Pension Sanctioning Authority within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death gratuity shall then be authorised to the beneficiaries through the Director of Pension and Provident Fund.

152. Non-availability of service record of the deceased Government employee :-

In case of non availability of service book of a Government employee died while in service, the family pension and death gratuity shall be calculated without verification of service, provided that it is ascertained that he has rendered qualifying service to be eligible for family pension or death gratuity. The qualifying service shall be ascertained from the records available with the pension sanctioning authority, (e.g.) office copy of the pay bills, personal files, etc. A certificate to the effect along with the pension papers shall be sent to the Director of Pension and Provident Fund.

153. Forwarding the papers to the Director of Pension and Provident Fund :-

(1) On receipt of claims, the Pension Sanctioning Authority shall send it in original to the Director of Pension and Provident Fund with a covering letter along with the Government employees service book duly completed and any other documents relied upon for the verification of the service claimed of shall be completed within one month of the receipt from claim by the Pension Sanctioning Authority.

(2) If the payment is desired in another Audit Circle, Pension Papers referred to in subrule (2) of rule-138 shall be sent in duplicate to the Director of Pension and Provident Fund.

(3) The Pension Sanctioning Authority shall draw the attention of the Director of Pension and Provident Fund to the of Government dues outstanding against the deceased Government employee, namely :-

(a) Government dues as ascertained and assessed under rule 156 and recoverable out of the gratuity before payment is authorised.

(b) amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in light of final determination of the amount of gratuity.

(c) the maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten percent of the amount of gratuity or rupees one thousand, whichever is less.

154. Sanction of Provisional Family Pension and gratuity :-

(1) If it is not possible for the Pension Sanctioning Authority to forward the pension papers to the Director of Pension and Provident Fund as per rule 153 even after following the procedure as laid down in rule 149 to 152 or where the pension papers have been forwarded to the Director of Pension and Provident Fund within the prescribed period but the Director of Pension and Provident Fund may have returned the same for further information before the issue of Pension Payment Order; the Pension

Sanctioning Authority shall sanction provisional Family Pension not exceeding the maximum Family Pension. He shall, after retaining ten percent or rupees one thousand, whichever is less, to meet with the unascertained Government dues, and shall also sanction the provisional payment of death gratuity under rule 81. For this purpose, the Pension Sanctioning Authority shall adopt the following procedure namely -

(a) he shall issue a sanction order in favour of the claimant or claimants endorsing a copy thereof to the Director of Pension and Provident Fund showing the amount of provisional family pension and provisional gratuity,

(b) he shall mention in the sanction order the amount recoverable out of the gratuity under sub-rule (2) of rule 133.

(2) The payment of provisional Family Pension and gratuity shall be subject to the conditions laid down in rule 146.

155. Authorisation of the final pension and gratuity by the Director of Pension and Provident Fund :-

(1) On receipt of the documents referred to in sub-rule (1) of rule 153, the Director of Pension and Provident Fund after verification shall assess the amount of Family Pension and gratuity :-

(2) (a) If the family pensions is payable in Gujarat State, the Director of Pension and Provident Fund shall prepare the Pension Payment Order.

(b) The payment of provisional Family Pension shall be discontinued from the date on which the payment of final family pension is made.

(3) (a) The Director of Pension and Provident Fund shall determine the amount of the gratuity after adjusting the amount of Government dues, if any, outstanding against the deceased Government employee.

(b) The Director of Pension and Provident Fund shall inform the Pension Sanctioning Authority, the amount of balance of the gratuity determined under clause (a) to be drawn and disbursed by the Pension Disbursing Authority to the person or persons to whom the provisional gratuity, if any has been paid.

(c) The amount of gratuity withheld under rule-154 shall be adjusted against the outstanding dues mentioned in rule 156 by the Pension Disbursing Authority and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) the Director of Pension and Provident Fund shall inform to the Pension Sanctioning Authority about issuance of Pension Payment Order and return the documents which are no longer required.

(5) If the amount of provisional family pension as sanctioned under rule-154 is found to be in excess of the final pension assessed by the Director of Pension & Provident Fund, it shall be open to the Pension Disbursing Authority to adjust the excess amount in instalments by short payments of family pension payable in future.

156. Adjustment of Government dues :-

The Pension Sanctioning Authority shall within one month of the receipt of intimation regarding the death of a Government employee, take steps to ascertain if any dues as referred to in rule 133 to 135 were recoverable from the deceased Government employee and such dues shall be recovered from the amount of death gratuity payable to the family of the deceased Government employee.

157. Payment of Family Pension and death gratuity when a Government employee dies while on deputation :-

(1) In case of a Government employee who dies while on deputation to another Department/Office, action to authorise Family Pension and death gratuity in accordance with the provisions of this Chapter shall be taken by the Pension Sanctioning Authority of the borrowing Department.

(2) In case of a Government employee who dies while on deputation to a Central Government or while on foreign service, action to authorise the payments of Family Pension and death gratuity in accordance with the provisions of this Chapter shall be taken by the Pension Sanctioning Authority which sanctioned the deputation of the Government employee to the Central Government or to the foreign service.

CHAPTER 16 SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN CASE OF DECEASED PENSIONERS

158. Sanction of Family Pension and residuary gratuity on the death of a pensioner :-

(1) Where the Head of Office has received an intimation regarding the death of a retired Government employee who was in receipt of pension, he shall inform the Pension Sanctioning Authority about the same if he himself is not a Pension Sanctioning Authority. The Pension Sanctioning Authority shall ascertain whether any Family Pension or residuary gratuity or both are payable in respect of the deceased pensioner:- Provided that the Pension Sanctioning Authority, may, when he considers it necessary so to do, consult the Director of Pension and Provident Fund.

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of Family Pension Scheme, 1972 under rule-91, the amount of Family Pension as mentioned in the Pension Payment Order shall be payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.

(ii) On receipt of an application from the widow or widower, the Treasury Officer from whom the deceased pensioner has drawn his or her pension, shall authorise the payment of Family Pension to the widow or widower, as the case may be.

(b) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form-27 to the Pension Sanctioning Authority for payment of Family Pension : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Pension Sanctioning Authority shall sanction the Family Pension under Family Pension Rules, 1972 in Form-31.

(c) (i) Where a widow or widower in receipt of Family Pension remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for Family Pension the remarried individual shall be eligible to draw the Family Pension on behalf of such child or children, if such individual continues to be the guardian of such child or children.

(ii) For the purposes of sub-clause (i), the remarried individual shall apply to the Pension Sanctioning Authority on plain paper furnishing the following particulars, namely :-

(a) a declaration that the pensioner continues to be guardian of such child or children;

(b) the date of remarriage;

(c) the name and date of birth of the child or children from the former spouse;

(d) the Treasury from where payment of Family Pension on behalf of such child or children is desired to be drawn;

(e) postal address of the pensioner.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the Family Pension shall be payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in Form- 27 to the Head of Office for the payment of Family Pension. Provided that the son or unmarried daughter if he or she has attained the age of eighteen years shall require himself or herself to submit a claim in the said Form.

(iv) On receipt of the claim referred to in sub-clause (iii) the Pension Sanctioning Authority shall sanction Family Pension in Form-32.

(d) (i) Where a widow or widower in receipt of Family Pension dies and leaves behind child or children who is or are eligible for Family Pension the guardian may submit a claim in Form-27 to the Pension Sanctioning Authority for the payment of Family Pension : Provided that the son or unmarried daughter if he or she has attained the age of eighteen years shall require himself or herself to submit claim in the said Form.

(ii) On receipt of a claim referred to in sub-rule (d) (i) above the Pension Sanctioning Authority shall sanction Family Pension in Form-31.

(3) Where on the death of a retired Government employee a residuary gratuity becomes payable to the family of the deceased under sub- rule (2) of rule 81, the Pension Sanctioning Authority shall sanction its payment on receipt of a claim or claims in Form-33 from the person or persons eligible to receive the residuary gratuity.

159. Authorisation of payment of pension and residuary gratuity by Director of Pension and Provident Fund :-

On receipt of the sanction under rule 158 regarding the payment of Family Pension or of residuary gratuity or of both; the Director of Pension and Provident Fund shall authorise the payment of the same.

CHAPTER 17 PAYMENT OF PENSIONS

160. Date from which pension becomes payable :-

(1) Except in case of a Government employee to whom the provisions of rule 51 apply and subject to the provisions of rules 24 and 142 a pension other than Family Pension shall become payable from the date on which a Government employee ceases to be borne on the establishment.

(2) Pension under Family Pension Scheme, 1972 shall be payable for the day on which its recipient dies.

161. Procedure for payment of pension to a lunatic :-

When any sum is payable by Government in respect of pension or gratuity to any person and such person is certified to be lunatic by a Magistrate the, procedure laid down in Section-95 (1) of the Indian Lunacy Act, 1912 (Act IV of 1912) shall be followed.

162. Date of commencement of payment of Wound or Injury Pension and the Family Pension :-

A Wound or Injury Pension shall be payable from the date of the Wound or Injury and a family pension from the day following the death of the Government employee, provided

(i) that, if the grant of the pension is regulated by Army Regulations, it shall take effect from the date therein prescribed; and

(ii) that, if considerable delay has occurred in making application for a Wound or Injury Pension, it shall be payable from the date of report on the case by the Medical Board unless in exceptional circumstances Government otherwise direct.

163. Need for medical certificate for payment of Wound or Injury Pension :-

In case of a Wound or Injury Pension sanctioned under rule 71, it shall be responsibility of the officer disbursing the pension to see that the medical certificate referred to in rule 72 is produced every three years.

164. Currency in which pension is payable :-

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

165. Manner of payment of gratuity and pension :-

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum in whole rupees, fifty paise and above being rounded off to next higher rupee.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

Note : Government may issue orders for the payment of pension of a particular month during the said month.

166. Payment of arrears of pension on the death of a pensioner :-

(1) On the death of a pensioner payment of any arrears actually due to him may be made to his/her heirs, if they apply for payment within one year from the date of his death. If the application is made later, payment shall not be made without the sanction of the Pension Sanctioning Authority which shall be obtained through the Director of Pension and Provident Fund.

Note : The period of one year shall be reckoned from the date of the death of the pensioner or from the date of issue of orders sanctioning the pension or arrears of pension, whichever is later.

(2) Subject to the provisions of sub-rule (1), payment of arrears due to a deceased pensioner may be made to his/her heirs as follows -

(i) When the amount due does not exceed rupees one lac payment may be made under the orders of the competent authority who will make such enquiries into the rights and title of the claimants as he may deem fit.

Explanation : The words competent authority in this rule shall mean -

(a) In case of deceased pensioner, who was a non-Gazetted Government employee at the time of retirement; the Pension Sanctioning Authority who drew the pay and allowances of the person concerned before retirement and if the pensioner died after commencement of the payment of the pension to him, the Collector of the district in which the treasury from which the amount of pension was last drawn by him is situated provided that in respect of non-Gazetted Government employees of Departments which have ceased to exist, the Collector of the District concerned shall be treated as competent authority.

(b) In the case of a deceased pensioner, who was a Gazetted Officer at the time of retirement, the Head of Department concerned and if the pensioner died after commencement of the payment of the pension to him, the Collector of the district in which the treasury from which the amount of pension was last drawn by him is situated; and

(c) In case of a deceased pensioner, who was the Head of Department at the time of retirement the Administrative Department concerned in the Sachivalaya.

(d) In case where the amount of arrears of pension does not exceed rupees five hundred the Mamlatdar of the taluka in which the treasury/subtreasury from which the amount of pension was last drawn by the deceased pensioner is situated.

(ii) When the amount due exceeds rupees one lac payment may be made under the orders of Government on the execution of an indemnity bond with such sureties as Government may require, if they are satisfied of the right and title of the claimant and consider that undue delay and hardship would be caused by insistence on the production of letter of

administration.

167. Application of Treasury Rules :-

Save as otherwise provided in these rules, the Treasury Rules shall apply in regard to the procedure of payment -

(i) of gratuity within and outside state,

(ii) of pension within and outside state,

(iii) of pension undrawn for more than a year, and

(iv) of pension in respect of a deceased pensioner.

CHAPTER 18 RE-EMPLOYMENT OF PENSIONERS

168. Re-employment ordinarily not to qualify for second pension :-

Unless in any case it be otherwise distinctly provided in this Chapter, a Government employee who has received a pension on retirement shall not, if re-employed in Government service, be permitted to count his new service as qualifying for second pension. If the new service is pensionable, it must be combined for the purpose of calculating pension with the service previously rendered and the whole service period be treated as one service.

169. Declaration by the re-employed pensioner about amount of pension and gratuity or bonus :-

When a person, who was formerly in the civil or military employment of any Government in India, obtains re-employment, whether temporarily or permanently, in Government service, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of reappointment whether any deduction is to be made from pay as required by the rules in this Chapter and shall communicate a copy of the order to the Director of Pension and Provident Fund and the Pension Disbursing Authority.

Note : The principle of this rule applies in the case of continued

employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i.e., it shall be inclusive of any amount that may have been commuted.

170. Provisions of this Chapter to be brought to the notice of the re- employed pensioner :-

The attention of every person who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the rules contained in this Chapter.

171. Wound or Injury or Disability Pension awarded under Military rules to be continued :-

Notwithstanding anything contained in the rules in this Chapter, a Wound or Injury Pension sanctioned under rules 69 to 76 and a Wound or Injury or Disability Pension or an addition to pension on account of disability awarded under the Military rules shall continue to be drawn by a retired Government employee, civil or Military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during reemployment or continued employment.

Note : Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner :- The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 50 paise and over shall be taken as a whole rupee, amount of less than 50 paise being ignored. The disability portion of the pension will be the balance.

172. Fixation of pay on re-employment of Civil/Military pensioners in receipt of superannuation/retiring pension :-

(1) A person who is in receipt of a Superannuation or Retiring pension shall not be re-employed or continued to be re-employed in the service paid from the Consolidated Fund of India or of State except on public interest and in a purely temporary capacity.

(2) The appointing authority which is competent to re-employ a pensioner shall fix the pay on re-employment.

(3) The conditions governing the fixation of pay of a pensioner in receipt of superannuation/retiring pension and who is re-employed in the service of the Government shall be as under :-

(i) Pension drawn by the following pensioners retired before attaining the age of fifty five years shall be fully ignored :-

(i) Ex-service man who held non-commissioned post.

(ii) Civil pensioners who held the post other than Class-I post at the time of retirement.

(ii) Pension upto rupees one thousand five hundred per month drawn by the pensioners other than those referred to in sub-rule (1) and who had retired before attaining the age of fifty five years shall be ignored.

(iii) Pension drawn by the pensioners retired on attaining the age of fifty five years or thereafter shall be deducted.

(iv) Pension equivalent of Death-cum-retirement gratuity shall be fully ignored.

(v) The pay of the re-employed pensioners shall be allowed only in the scale of the post of re-employment. No protection of last pay drawn before retirement will be allowed.

(vi) In all cases where the pension is fully ignored in terms of sub-rule (1), the initial pay shall be fixed at the minimum of pay-scale of the post of re-employment.

(vii) In cases where the pension is not fully ignored, the pay on re-employment shall be fixed at the same stage, as the last pay drawn before retirement. If there is no such stage in pay scale of the post of re-

employment the pay shall be fixed at the stage below that stage.

(viii) If the maximum pay of the re-employment post is less than last pay drawn, the pay shall be fixed at the maximum of the pay scale of the post for reemployment.

(ix) If the minimum pay of the post of the re-employment is more than the last pay drawn, the pay shall be fixed at minimum of the pay-scale of the post of reemployment.

(x) The re-employed pensioners, shall retain and draw their pension and other retired benefits but temporary increase on pension shall not be admissible for the period of re-employment.

173. Fixation of pay on re-employment of pensioners in receipt of compensation/invalid pension :-

Fixation of pay on re-employment of pensioners in receipt of compensation/invalid pension shall also be governed by conditions laid down in rule-172 subject to the condition that if the re-employment is in qualifying service he may either retain his pension and forfeit his claim to count the past service for the purpose of pension or cease to draw pension and count his past services for the purpose of pension. In case he chooses the later option, the pension drawn between the date of invalid or compensation retirement and the date of re-employment shall not be recovered. In case the re-employed pensioner elects to count his previous service, foregoing his entire pension and death-cum-retirement gratuity, his pay shall be fixed as if he was not in receipt of pension.

174. Fixation of pay on re-employment of short service commissioned or and Emergency Commission Officers :-

Short service commissioned officers and Emergency Commissioned Officers who joined pre-commissioned training or were commissioned after 10th January, 1968, may on their appointment in Government service to unreserved vacancies be granted advance increments equal to number of completed years of service rendered by them in Armed Forces. The pay so arrived at shall not, however, exceed the last pay drawn by them in the Armed Forces.

175. Fixation of pay of re-employed pensioners on transfer or promotion :-

After fixation of pay of re-employed person in the manner laid down in these rules, the pay of re-employed pensioner on their promotion/demotion shall be fixed as per the provision contained in Gujarat Civil Services (Pay) Rules, 2002 as amended from time to time without deducting pension, if any. The deductible part of pension shall be deducted after the fixation on promotion/ demotion is done, subject to condition that the pay plus pension shall not exceed at any time rupees twenty six thousand per month.

176. Drawal of Increments by re-employed pensioners :-

After pay is fixed in the manner indicated in rule the re-employed pensioner shall be allowed to draw normal increments in the time scale of the post of re-employment provided that the pay plus gross pension does not at any time exceed rupees twenty six thousand per month.

177. Grant of allowances to re-employed pensioners :-

The re-employed pensioners shall be eligible for allowances based on pay as fixed on re-employment. Pay for the grant of allowances shall be the pay before deducting pension if any deductible in the given case. He may retain his pension but no temporary increase on pension shall be admissible to the reemployed pensioner.

178. Admissibility of leave to re-employed pensioners :-

The re-employed persons shall be continued to be governed under the provisions contained in Gujarat Civil Services (Leave) Rules, 2002.

179. Admissibility of Gratuity Death-cum-retirement Gratuity to the re-employed pensioners :-

The re-employed pensioners shall not be eligible for death-cum-retirement gratuity for the period of re-employment except in case of those military personnels who opt for counting their past services for the purpose of pension and forego pensionary benefits in term of rule.

180. Special provisions for Ex-combatant Clerks and Ex-storesmen in Armed Forces :-

(1) The post of Ex-combatant clerk shall be considered on par with Junior Clerk or Lower Division Clerks in civil department. Similarly, the post of Ex-storesmen shall be considered on par with storemen in Civil post and hence Ex-combatant clerks and Ex-storesmen on their re-employment to the post of Junior Clerk/Lower Division Clerk and storemen respectively in Civil Post shall be given benefit of their past services for the purpose of protection of pay. Accordingly their initial pay shall be fixed in the time

scale of the post of re-employment taking into consideration the increments earned by rendering completed years of service in the Armed Forces. In other words, he shall be given advance increment equal to number of completed years of service rendered in the Armed Forces. This provision has to be exercised by invoking the provisions contained in rule-42 of the Gujarat State Civil (Pay) Rules, 2002.

(2) The above benefit shall be given to such of the re-employed Ex-combatant clerks/Exstoremen who exercises option to get benefit of this provision envisaged in sub-rule (1). The option from such re-employed employees shall be obtained within three months from the date of their re-employment.

(3) The re-employed employee who opts to get benefit of the provisions contained in this rule, their pension shall be deducted from the pay fixed by ignoring Rs. 15 thereof. In other words, the re-employed employee opting for these benefits will not get benefit of the non deduction of pension while fixing the pay on re-employment as envisaged in rule -.

(4) If the resultant amount does not correspond to stage in the scale of the post of reemployment the pay shall be fixed at the next lower stage and the difference shall be allowed as personal pay to be absorbed in future increments.

(5) Where the pay in such cases is fixed below the minimum of the scale of the post of re-employment as a result of adjustment of amount of pension in exceed of Rs. 15/- per month, increases in pay shall be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till he reaches the minimum of the scale. Thereafter, the increments may be drawn in usual manner.

181. Correct determination of pay of re-employed pensioner :-

For the correct determination of pay the information such as pay last drawn; special pay if any; gross pension prior to receiving commutation of pension; amount of death-cum-Retirement Gratuity or other gratuity admissible under the rules applicable to the incumbent; shall be obtained from the authority which authorised the pensionary benefits. In respect of the employees who were working under the Government of Gujarat prior to retirement, such information may be obtained from the Director of Pension and Provident Fund.

182. Powers to fix pay on re-employment :-

The Head of Departments under whom the reemployed retired non-gazetted employee is appointed shall be competent authority to fix the pay on re-employment. In case of retired Gazetted officers, the powers shall be exercised by the concerned Administrative Department.

183. Grant of provisional pay :-

Pending the fixation of pay under these rules the Heads of Department shall authorise provisional pay for a maximum period of two months to a reemployed pensioner provided the pensioner gives an undertaking to refund any amount that might be overpaid as a result of provisional payment of pay on re-employment.

184. Appointment of pensioners on honorarium basis :-

The appointment of pensioners on honorarium basis without benefits of dearness allowance, increments, rent allowance, leave etc., shall not be treated as re-employment of pensioner under this chapter.

185. Gross amount of pension to be taken into account while fixing pay :-

(1) In case of a pensioner who is re-employed in Government service and who commuted a portion of his pension after such employment, the amount of pension which the pensioner is entitled to draw under the rules in this Chapter shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

(2) In the case of a pensioner a portion of whose pension has been commuted before reemployment the original amount of the pension shall be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the non-commuted pension.

(3) In case of a re-employed pensioner whose pension is held wholly in abeyance during such re-employment and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In case of a pensioner whose pension is held partly in abeyance during such re-employment, and who during this period commutes a portion of his pension in excess of the amount actually drawn, his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute, by

an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.

186. Application of rule-28 to re-employed pensioner :-

Rule 28 shall be applicable only in case the Government service previous to re-employment has been under the Government of Gujarat.

187. Fixation of pay of re-employed pensioner drawing pension from another Government or Panchayat :-

When a person who is drawing his pension from another Government or from a Panchayat is re-employed in the service of the Government of Gujarat, the authority competent to fix the pay and allowances of the appointment in which the pensioner is reemployed, shall take the amount of pension into account in fixing the pay to be allowed to him and shall fix the initial pay in such a manner that the sum total of the initial pay plus pension does not exceed his substantive pay at the time of his retirement.

188. Non application of rules to Military Warrant or non-Commissioned pensioners on reemployment under Civil Service :-

Except where it is otherwise expressly provided, the rules in this Chapter shall not apply to Military officer, warrant or non-commissioned Officer or soldier who is taken into or allowed to continue in civil service after he has been granted a pension under Military service rules. His pension for service in the Civil Department will not be affected by his pension in Military service.

189. Commercial employment after retirement :-

(1) If a pensioner who, immediately before his retirement was a member of, or has held in an officiating capacity, a post in the State Service, Class I or Gujarat Sales Tax Service Class-I or II, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance. Such sanction shall be accorded by the Administrative Department of Government.

(2) On an application made by a pensioner in Form-34 and subject to the provisions of sub-rule (3), the Government may, by order in writing, grant permission, subject to such conditions, if any, as it may deem necessary, or refuse permission for reasons to be recorded in the order, to such pensioner to take up the commercial employment.

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely :-

(a) the nature of employment proposed to be taken up and the antecedents of the employer;

(b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with the interest of Government;

(c) whether the pensioner while in service had any such dealing with a employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favour to such employer;

(d) whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;

(e) whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage;

(f) the emoluments offered by the proposed employer; and

(g) other relevant factors.

(4) Where within a period of ninety days of the date of receipt of an application under subrule (3), the Government does not refuse to grant the permission applied for or does not communicate such refusal to the pensioner, it shall be deemed to have granted the permission by Government.

(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the pensioner may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such conditions or refusal and the Government

may make such orders thereon as it deems fit :

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

(6) If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order :

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration :

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely :-

(i) the financial position of the pensioner concerned;

(ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned; and

(iii) other relevant factors.

(7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

(8) In this rule, -

(a) the expression "commercial employment" means-

(i) an employment in any capacity including that of an agent under a

company, co-operative society, firm, or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner -

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on, has relevancy to his official knowledge or experience; or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or

(iii) to undertake work involving liaison or contact with the offices or officers of the Government.

Explanation : For the purposes of this clause "employment under a cooperative society" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.

(b) the expression "date of retirement", in relation to a Government employee reemployed after retirement, without any break, either in the same or in another Class I post under the Government or in any other equivalent post under the State Government, means the date on which such Government employee finally ceases to be so re-employed in Government service.

190. Employment after retirement under a Government outside India :-

(1) If a pensioner to whom this rule applies, wishes to accept any employment under any Government outside India, he shall obtain the previous permission of State Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment

without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct :

(2) This rule shall apply to every pensioner referred to in sub-rule (1) of rule-189. Explanation : For the purposes of this rule, the expression "employment under any Government outside India" includes employment under a local authority or Corporation or any other Institution or Organisation which functions under the supervision or control of a Government outside India, (or an employment under an International Organisation of which the Government of India is not a member.)

CHAPTER 19 TEMPORARY INCREASE / DEARNESS RELIEF ON PENSION

191. Temporary increase/dearness relief on pension :-

All pensioners shall, in addition to pension be entitled to temporary increase/dearness relief on pension as may be sanctioned by the Government from time to time.

CHAPTER 20 REPEAL AND SAVINGS

192. Repeal and Savings :-

(1) The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Pension are hereby repealed : Provided that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

(2) Notwithstanding such cease of operation -

(a) every form regarding the details of family of a Government employee for the purpose of Family Pension under GRFD No. FPS-1071-J, Dt. 1-1-72; which a Government employee had made or given under the repealed rules or orders shall be deemed to have been made or given under the corresponding provisions of these rules;

(b) the details regarding family of a Government employee for the purpose of Family Pension under the Scheme sanctioned vide GRFD No. FPS-1071-J, Dt. 1-1-72 required to be made or given by a Government employee under the repealed rules but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

(c) any case which pertains to the authorisation of pension to a Government employee who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the repealed rules as if these rules had not been made;

(d) any case which pertains to the authorisation of death-cum- retirement gratuity and Family Pension to the family of a deceased Government employee or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the repealed rules as if these rules had not been made;

(e) subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDIX 1
APPENDIX - I

APPENDIX – I
[See Rule - 7 & 8]

Authorities to whom powers under the Gujarat Civil Services
(Pension) Rules, 2002 have been delegated

| Sr. No. | No. of Rule | Nature of Power | Authority to whom the powers are delegated | Scope | Remarks | Comment |
|----------------|--------------------|--|---|---|-------------------------------|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | 9(23) (f) | Powers to regularise the period of compulsory waiting to 'duty'. | Administrative Departments | Upto a period of fifteen days | Upto a period of fifteen days | Upto a period of fifteen days |
| | | | | Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The | | |

| | | | | | | |
|----|-------|--|--------------------------------|--|--|--|
| 2. | 9(34) | Declaring an officer as Head of Department. | Administrative Departments | minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department. | | |
| 3. | 9(52) | To make officiating appointment for a period not exceeding two months. | All Gazetted Heads of Offices. | Government employees holding Class III posts under their control. | Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority. | |
| 4. | 9(52) | To make officiating appointments for a period not exceeding twelve months. | All Heads of Departments. | Government employees holding Class II posts under their control. | 1. Appointments should be made in accordance with approved recruitment rules. 2. Appointments otherwise than by promotion or transfer should be made by means of advertisements. 3. Appointment should be reported immediately to the Government. 4. Appointments should be made on the minimum of the scale of pay for direct recruitment. 5. Appointments by promotion | |

| | | | | | | |
|----|-------|--|--|---|--|--|
| | | | | | should be made from Government employees in the approved select list if any. | |
| 5. | 9(52) | To make officiating appointment for a period not exceeding twelve months. | 1. Director of Education 2. Director of Technical Education 3. Commissioner of Health, Medical Services & Medical Education. | Government employees under their control holding Class I posts and performing duties in connection with teaching. | Same conditions as in the case of item 4 above. | |
| 6. | 9(52) | To make officiating appointment in place of Government employees deputed for training. | Any authority having power to make appointments during leave vacancies. | All Government employees under their control. | Same conditions as in the case of item 4 above. | |
| 7. | 9(60) | Powers to sanction pension | (1) Administrative Departments of Sachivalaya (2) All Heads of Departments (3) Appointing Authority | Full powers - do - - do - | In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees | |
| 8. | 154 | Powers to sanction provisional Family Pension and Gratuity | (1) Administrative Departments of Sachivalaya (2) All heads of Departments (3) Head of Office | Full Powers - do - - do - | In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees | |
| | 172 | Powers to re-employ pensioner (a) To gazetted posts both in | (1) Administrative Departments of Sachivalaya in consultation | | In post to which they are competent to make appointment | Provided the reemployment is not beyond the age of 60 years and that |

| | | | | | | |
|-----|-----|---|--|-------------|--|--|
| 9. | (2) | Class I and Class II. (b) To Nongazetted class III posts. | with General Administration Department. (2) All Heads of Department. | Full powers | provided that the age on reemployment does not exceed 60 years. | the pay on re-employment is fixed according to rules. - do - |
| 10. | 189 | Powers to grant permission for acceptance of commercial employment after retirement | Administrative Departments of Sachivalaya in consultation with General Administration Department. and Finance Department | Full powers | Subject to the fulfillment of criteria laid down in the rule 189(3). | |

APPENDIX 2
APPENDIX - II

APPENDIX - II
[See Rule - 9 (34)]

List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002

1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

2.0 EDUCATION DEPARTMENT :

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.

3.3 Secretary, Gujarat Electricity Regulatory Commission.
3.4 Director of Petroleum.
4.0 FINANCE DEPARTMENT :
4.1 Secretary to Government.
4.2 Director of Accounts and Treasuries
4.3 Commissioner of Sales Tax.
4.4 President, Gujarat Sales Tax Tribunal
4.5 Director of Insurance.
4.6 Director of Pension and Provident Fund.
5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :
5.1 Secretary to Government.
5.2 Director of Civil Supplies.
5.3 Director of Food.
5.4 Food and Civil Supplies Controller.
5.5 The Registrar, Consumer Disputes Redressal Commission.
5.6 Controller of Weights & Measures.
6.0 FOREST AND ENVIRONMENT DEPARTMENT :
6.1 Secretary to Government.
6.2 Principal Chief Conservator of Forests.
6.3 Conservator of Forests.
7.0 GENERAL ADMINISTRATION DEPARTMENT :
7.1 Secretary to Government.
7.2 Secretary to Governor.
7.3 Comptroller to the Governor
7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
7.5 Director, Directorate of Economics & Statistics
7.6 Director of Evaluation
7.7 Secretary, Gujarat Public Service Commission
7.8 Secretary, Subordinate Staff Selection Board
7.9 Chief Editor, Gujarat District Gazetteers
7.10 Director of Languages
7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
7.12 Resident Commissioner, New Delhi
7.13 Secretary, Gujarat Civil Services Tribunal
7.14 Registrar, Office of Honble Lokayukta
7.15 Secretary, State Election Commission
8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :
8.1 Secretary to Government.
8.2 Commissioner of Health, Medical and Medical Education
8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
8.6 Director of Medical Services (E.S.I. Scheme)
8.7 Director of Indian System of Medicine and Homeopathy
8.8 Commissioner of Food & Drugs Control Administration
8.9 Director of Stock Holding Central Medical Stores Organization
9.0 HOME DEPARTMENT :
9.1 Secretary to Government.
9.2 Director General and Inspector General of Police
9.3 Commandant General Home Guards
9.4 Additional Inspector General of Police, Police Computer Center
9.5 Inspector General of Prisons.
9.6 Director of Transport
9.7 Secretary, Gujarat Vigilance Commission
9.8 Director of Sainik Welfare
9.9 Director of Civil Defence
9.10 Director of Forensic Science Laboratory
9.11 Additional Director General of Police Public Prosecution,
9.12 Commissioner and Additional Director General of Police, Prohibition & Excise
9.13 Director General of Police & Director, Anti-Corruption Bureau
10.0 INDUSTRIES AND MINES DEPARTMENT

10.1 Secretary to Government.
10.2 Industries Commissioner
10.3 Commissioner of Cottage Industries
10.4 Commissioner of Geology and Mining
10.5 Director of Government Printing & Stationery
10.6 Commissioner of Tourism
10.7 Commissioner of Payment
10.8 Commissioner of Trade & Commerce
11.0 INFORMATION AND BROADCASTING DEPARTMENT
11.1 Secretary to Government
11.2 Director of Information
11.3 Commissioner of Entertainment Tax
12.0 NARMADA AND WATER RESOURCES DEPARTMENT :
12.1 Secretary to Government.
12.2 Chief Engineers
12.3 Superintending Engineers of Circles
12.4 Superintendign Engineers of Water Resources Investigation Circles
12.5 Area Development Commissioner
12.6 Additional Collectors (Irrigation)
12.7 Director, Gujarat Engineering Research Institute
12.8 Chief Controller of Accounts (Narmada Project)
13.0 LABOUR AND EMPLOYMENT DEPARTMENT :
13.1 Secretary to Government.
13.2 Commissioner of Labour
13.3 Commissioner of Rural Labour
13.4 Director of Employment and Training
13.5 Registrar, Industrial Court and Wage Boards
13.6 Registrar of Labour Court
14.0 LEGAL DEPARTMENT :
14.1 Secretary to Government.
14.2 Advocate General
14.3 Charity Commissioner
14.4 Chief Judge of Court of Small Causes
14.5 Chief Magistrate for the City of Ahmedabad
14.6 District and Session Judges
14.7 Official Trustee and Administrator General
14.8 Principal Judge, City Civil and Sessions Court
14.9 Registrar, Gujarat High Court
14.10 Member Secretary, Gujarat State Legal Services Authority.
14.11 Principal Judge, Family Court
14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.
15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVLOPMENT
DEPARTMENT :
15.1 Secretary to Government.
15.2 Development Commissioner
15.3 The Gram Vikas Commissioner
15.4 The Gujarat Panchayat Service Selection Board
15.5 Director of State Institute of Rural Development and Panchayati Raj
15.6 Commissioner of Rural Development
16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :
16.1 Secretary to Government.
17.0 PORTS AND FISHERIES DEPARTMENT :
17.1 Secretary to Government.
17.2 Commissioner of Fisheries
18.0 REVENUE DEPARTMENT :
18.1 Secretary to Government.
18.2 District Collectors
18.3 Commissioner of Land Reforms
18.4 President, Gujarat Revenue Tribunal
18.5 Director of Relief
18.6 Secretary (Appeals)
18.7 Settlement Commissioner and Director of Land Records
18.8 Superintendent of Stamps

18.9 Inspector General of Registration
19.0 ROADS AND BUILDINGS DEPARTMENT :
19.1 Secretary to Government
19.2 Chief Engineer
19.3 Chief Architectural and Town Planner
19.4 (C.E. & S.P.) Director Staff Training College
19.5 Controller of Accommodation
19.6 Director of Parks and Gardens
19.7 Superintending Engineers of Circles
20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :
20.1 Secretary to Government.
20.2 Director of Social Defence
20.3 Director of Scheduled Caste Welfare
20.4 Director of Developing Caste welfer
20.5 Commissioner of Disability
21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :
21.1 Secretary to Government.
21.2 Chief Town Planner
21.3 Director of Municipalities
22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :
22.1 Secretary to Government.
22.2 Commissioner of Youth Services and Cultural Activities
22.3 Director of Museums
22.4 Director of Archaeology
22.5 Director of Archieves
22.6 Director of Library
22.7 Director General, Sports Authority of Gujarat.
23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :
23.1 Secretary to Government.
23.2 Commissioner Women & Child Development
24.0 SCIENCE AND TECHNOLOGY DEPARATMENT :
24.1 Secretary to Government.
25.0 GUJARAT LEGISLATURE SECRETARIATE :
25.1 Secretary to Gujarat Legislature Secretariat

TABLE
[See Rule - 100]

Commutation Value for a pension of rupee one per annum

| Age (See notes under this table) | Commutation Value express as number of years purchase | Age (See notes under this table) | Commutation Value express as number of years purchase |
|---|--|---|--|
| 1 | 2 | 1 | 2 |
| 29 | 17.93 | 58 | 10.78 |
| 30 | 17.78 | 59 | 10.46 |
| 31 | 17.62 | 60 | 10.13 |
| 32 | 17.46 | 61 | 9.81 |
| 33 | 17.29 | 62 | 9.48 |
| 34 | 17.11 | 63 | 9.15 |
| 35 | 16.92 | 64 | 8.82 |
| 36 | 16.72 | 65 | 8.50 |
| 37 | 16.52 | 66 | 8.17 |
| | | | |

| | | | |
|----|-------|----|------|
| 38 | 16.31 | 67 | 7.85 |
| 39 | 16.09 | 68 | 7.53 |
| 40 | 15.87 | 69 | 7.22 |
| 41 | 15.64 | 70 | 6.91 |
| 42 | 15.40 | 71 | 6.60 |
| 43 | 15.15 | 72 | 6.30 |
| 44 | 14.90 | 73 | 6.01 |
| 45 | 14.61 | 74 | 5.72 |
| 46 | 14.37 | 75 | 5.44 |
| 47 | 14.10 | 76 | 5.17 |
| 48 | 13.82 | 77 | 4.90 |
| 49 | 13.54 | 78 | 4.65 |
| 50 | 13.25 | 79 | 4.40 |
| 51 | 12.95 | 80 | 4.17 |
| 52 | 12.66 | 81 | 3.94 |
| 53 | 12.35 | 82 | 3.72 |
| 54 | 12.05 | 83 | 3.52 |
| 55 | 11.73 | 84 | 3.32 |
| 56 | 11.42 | 85 | 3.13 |
| 57 | 11.10 | | |

TABLE
[See Rule - 100]
Commutation Value for a pension of rupee one per annum (Cont.)

NOTES :

Note 1 : The age in respect of the Government employee sanctioned commuted value of pension without medical examination under chapter X of the Gujarat Civil Services (pension) Rules shall be the age nearer to his birth day.

Note 2 : The age in respect of the Government employee sanctioned commuted value of pension with medical examination under chapter XI of the Gujarat Civil Services (pension) Rule shall be the age nearer to the date of signature of the Medical Certificate.

Note 3 : The age in respect of the Government employee sanctioned commuted value of pension with Medical examination under chapter XI of the Gujarat Civil Services (Pension) Rules with load of years, shall be the age nearer to the date of Medical Certificate increased by the number of loaded years as shown in the Medical Certificate.

