

Maharashtra Civil Services (Commutation Of Pension) Rules, 1984

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Maharashtra Civil Services (Commutation Of Pension) Rules, 1984

No. MSC. 1084/9/SER-6. --In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules namely :-

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

- (1) These rules may be called the Maharashtra Civil Services (Commutation of Pension) Rules, 1984.
- (2) They shall come into force on the 15th day of August 1984.

2. Extent Of Application :-

These rules shall apply to Government servants who may be entitled to or have been authorised any class of service pension referred to in Chapter VII of the Maharashtra Civil Services (Pension) Rules, 1982.

3. Definitions :-

- (1) In these rules, unless the context otherwise requires --
 - (a) "Audit Officer" means an 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;
 - (b) "applicant " means a Government servant, including a retired Government servant, who applies for commutation of fraction of pension in the prescribed Form;

- (c) "death-cum-retirement gratuity" means the gratuity payable under sub-rule (1) of rule 111 of the Maharashtra Civil Services (Pension) Rules, 1982;
- (d) " disbursing authority" means--
- (i) branch of a Nationalised Bank, or
 - (ii) treasury including sub-treasury, from where the applicant is receiving pension authorised under the Pension Rules;
- (e) " Form" means a Form appended to these rules;
- (f) "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;
- (g) "Medical Authority" means medical authority referred to in rule 22;
- (h) " Pension " means any class of service pension including Compassionate Pension referred to in chapter -Vii of the Maharashtra Civil Services (Pension) Rules, 1982 but does not include extra pension and the amount, by whatever name called, granted by the Government to a pensioner as compensation for higher cost of living;
- (i) " Pension Rules" means the pension rules contained in Maharashtra Civil Services (Pension) Rules, 1982;
- (j) "Provisional pension " means the pension referred to in rule 126 of the Maharashtra Civil Services (Pension) Rules, 1982
- (k) " Table " means a Table appended to these rules.
- (2) The words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in chapter - II of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981

CHAPTER 2 GENERAL CONDITIONS

4. Restriction On Commutation Of Pension :-

No Government servant, 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.

5. Limit On Commutation Of Pension :-

- (1) A Government servant shall be entitled to commute for a lump sum payment a fraction not exceeding one-third of his pension.
- (2) In an application for commutation in Form-A or Form B or

Form-C as the case may be, an applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee shall be ignored for the purpose of commutation.

6. Commutation Of Pension To Become Absolute :-

(1) The Commutation of pension shall become absolute in the case of an applicant referred to

(i) in sub-rule (1) of rule 13, on the date on which the application in Form-A is received by the Head of Office;

(ii) in sub-rule (3) of rule 13, on the date following the date of his retirement;

(iii) in Chapter-IV of these rules, on the date on which the medical authority signs the medical report in Part-III of Form-E: Provided that --

(a) in the case of an applicant who is drawing his pension from a Treasury, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Audit Officer for the payment of commuted value of pension, whichever is earlier, and

(b) in the case of an applicant 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 date on which the commuted value of pension is credited by the Bank to the applicants account to which pension is being credited.

(2) In the case of an applicant referred to in rule 9 or rule 10 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 applicant or the commuted value was credited to the applicants account, shall be entered in both halves of pension Payment Order by the disbursing authority under intimation to the Audit Officer who authorised the payment of commuted value of pension.

7. Death Of An Applicant Before Receiving The Commuted Value :-

If an applicant dies without receiving the commuted value on or

after the date on which commutation became absolute, the commuted value shall be paid to his heirs.

8. Calculation Of Commuted Value Of Pension And Its Non-Restoration :-

(1) The lump sum payable to an applicant shall be calculated in accordance with the Table of the values prescribed from time to time and applicable to the applicant on the date on which the commutation becomes absolute.

(2) A commutation once applied for and given effect to cannot be rescinded, i.e. the portion of a pension commuted cannot be restored on refund of its capitalised value.

9. Commutation Of Provisional Pension :-

(1) A Government servant to whom, pending assessment of final pension, provisional pension has been sanctioned under rule 126 of the Maharashtra Civil Services (Pension) Rules, 1982, shall be eligible to commute a fraction of such provisional pension subject to the limit specified in rule 5.

(2) For the purpose of commutation of provisional pension, the provisions of Chapter --III or Chapter --IV of these rules, as the case may be, shall apply.

(3) The provisions of this sub-rule shall apply to an applicant who for the purpose of commutation of provisional pension is governed by Chapter --IV of these rules--

(a) Where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding one hundred rupees per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised, would exceed one hundred rupees per mensem, his application shall be deemed, for the purpose of rule 22, to be for commutation of amount exceeding one hundred rupees per mensem.

(b) (i) Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding one hundred rupees per mensem on the determination of final pension due to him, he shall be treated as having applied for commutation of pension not exceeding one hundred rupees per mensem.

(ii) If on the determination of final pension, the applicant becomes entitled to commute his pension upto one hundred rupees per mensem he shall not be required to undergo medical examination for payment to him of the difference between the commuted value

of the pension originally commuted and the pension commuted subsequently.

(iii) If on the determination of final pension, the applicant becomes entitled to commute a sum exceeding one hundred rupees he shall, for commutation of pension exceeding one hundred, be required to apply afresh in Form-C.

10. Retrospective Revision Of Final Pension :-

An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively, as a result of Governments decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the payment of difference, the applicant shall not be required to apply afresh:

Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees one hundred after being declared fit by a Civil Surgeon or a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding one hundred rupees per mensem he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the original pension without further medical examination. The Commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

CHAPTER 3 COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

11. Scope :-

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

12. Eligibility :-

An applicant who is authorised --

- (i) Superannuation Pension under rule 63 of Maharashtra Civil Services (Pension) Rules, 1982; or
- (ii) a Retiring Pension under rule 64 or rule 65 or 66 of the Maharashtra Civil Services (Pension) Rules, 1982 ; or
- (iii) a pension on absorption in or under a Corporation, Autonomous Body or a Local Authority in terms of rule 67 of Maharashtra Civil

Services (Pension) Rules, 1982 and who elects to receive monthly pension and deathcum- retirement gratuity; or

(iv) a Compensation Pension on abolition of permanent post under rule 81 of the Maharashtra Civil Services (Pension) Rules, 1982 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 in rule 5, be eligible to commute a fraction of his pension without medical examination:

Provided that he applies for commutation of pension in Form-A or Form-B in accordance with the provisions of rule 13.

Note -- Pension referred to in clause (i), clause (iv) shall include the provisional pension sanctioned under rule 126 of Maharashtra Civil Services (Pension) Rules, 1982

13. Application For Commutation Of Pension :-

(1) An applicant, who is in receipt of any pension referred to in rule 12 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-A after the date of his retirement;

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

Provided that in the case of an applicant --

(i) referred to in clause (iii) of rule 12, where order retiring him from Government service has 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 12 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) An applicant who applies for commutation of pension within one year of the date of his retirement but his application Form-A is received by the Head of Office after one year of the date of his retirement shall not be eligible to get his pension commuted without medical examination. Such an applicant, if he desires to commute a fraction of his pension, shall apply afresh in Form- C in accordance with the procedure laid down in Chapter-IV.

(3) A Government servant 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 Payment Order, shall be eligible to apply for commutation of a fraction of pension along with pension papers prior to the date of retirement:

Provided that --

- (a) the Government servant retires on Superannuation Pension only;
- (b) the application is submitted to the Head of Office in Form - B so as to reach the Head of Office not later than three months before the date of superannuation.
- (c) no such application referred to in clause (b) shall be entertained if the period is less than three months from the date of superannuation of the Government servant under intimation to him and
- (d) the Government shall have no liability for the payment of the commuted value of pension if the Government servant dies before the date of superannuation or forfeits claim to pension before retirement.

14. Action To Be Taken By The Head Of Office On Application For Commutation Of Pension :-

(1) The Head of Office on receipt of application in Form-A under sub-rule (1) or in Form-B of sub-rule (3) of rule 13 shall--

- (a) initial the Form indicating the date of its receipts;
- (b) acknowledge immediately the receipt of Form-A or Form-B in Part II of that Form and despatch the same to the applicant;
- (c) take immediate action to complete Part -III of Form-A or Form - B and forward the same to the Audit Officer after retaining one copy for his record.

(2) In case application, in Form-A is received by the Head of Office under sub-rule (1) of rule 13 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant 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-C so that arrangements for medical examination are made in accordance with the procedure laid down in chapter-IV.

15. Authorisation Of Commuted Value By The Audit Officer :-

(1) the Audit Officer on receipt of Form-A from the Head of Office

shall verify that--

(a) information furnished by the Head of Office in Part-III of Form-A is correct;

(b) the applicant is eligible to commute a fraction of his pension without medical examination;

(c) the commuted value of pension has been determined correctly by the Head of Office

(2) The Audit Officer after necessary verification of the information furnished in Form-A shall--

(a) issue authority for the payment of commuted value of pension to the disbursing authority concerned;

(b) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) of rule 6 so that the disbursing authority may make entry in the pension payment order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension;

(c) endorse to the applicant a copy of the authority referred to in clause (a) with the instructions that he should collect the commuted value of pension from the disbursing authority.

(3) (a) The Audit Officer, on receipt of Form-B from the Head of Office, shall ascertain and verify if the amount of Superannuation Pension of the applicant has been calculated and if not, take steps to finalise the amount of pension so that the Pension Payment Order is issued before one month of the date of retirement of the applicant.

(b) (i) The Audit Officer, after necessary verification of the information furnished in Form-B, shall specify in both halves of the Pension Payment Order--

(A) the amount of pension commuted ;

(B) the commuted value of the amount of pension commuted;

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

(ii) The Audit Officer shall intimate to the applicant the date on which the Pension Payment Order has been despatched to the disbursing authority with the instruction that the applicant should collect the commuted value from the authority.

(iii) The Audit Officer, while forwarding the Pension Payment Order to the disbursing authority concerned, shall draw attention of the said authority to the proviso to sub-rule (1) of rule 6 so that the disbursing authority may make an entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted portion of pension.

(iv) The Audit Officer shall also request the disbursing authority to

intimate the date on which the payment of the commuted value has been made to the applicant.

16. Authorisation Of The Commuted Value Of A Fraction Of Provisional Pension :-

(1) If pending determination of final pension, the Head of Office has sanctioned provisional; Pension to a Government servant under rule 126 of Maharashtra Civil Services (Pension) Rules, 1982 and such a Government servant has applied for commutation of provisional Pension in Form-A in accordance with the provisions of rule 9 the Head of Office on receipt of Form-A shall --

(a) take action as provided in sub-rule (1) of rule 14 and forward Form-A to the Audit Officer along with the pension papers duly completed as referred to in rule 123 of Maharashtra Civil Services (Pension) Rules, 1982, in case pension papers have not already been forwarded to the Audit Officer;

(b) request the Audit Officer to verify the correctness of the amount of provisional pension and the amount of the commuted value of the fraction of the provisional pension as determined in Part-III of Form-A

(2) The Audit Officer on receipt of Form-A under sub-rule(1), shall verify the correctness of the amount of provisional pension and make further verification as provided in sub-rule (1) of rule 15.

(3) The Audit Officer after necessary verification of the amount of the provisional pension and the amount of the commuted value shall--

(a) issue authority for the payment of commuted value of pension to the Head of Office with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him;

(b) draw the attention of the Head of Office to the Proviso to sub-rule (1) of rule 6 so that the Head of Office may make reduction in the amount of provisional pension on account of commutation accordingly; and

(c) endorse to the applicant a copy of the authority referred to in clause (a) with the instructions that he should pursue the matter with the Head of Office.

(4) The Head of Office on receipt of authority from the Audit Officer under sub-rule (3), shall draw the amount of commuted value of pension and disburse the same to the applicant under intimation to the Audit Officer.

(5) The Audit Officer shall on final assessment of pension --

(a) issue authority to the disbursing authority for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office;

(b) make entry in the pension Payment Order to be issued on the cessation of the payment of the provisional pension by the Head of Office, the fact of the payment of the commuted value of provisional pension by the Head of Office and also indicate the date from which the payment of the residuary pension shall commence.

CHAPTER 4 COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

17. Scope :-

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

18. Eligibility :-

An applicant who--

(i) retires on Invalid Pension under rule 68 of Maharashtra Civil Services (Pension) Rules 1982; or

(ii) on absorption in or under a Corporation, Autonomous Body or a Local Authority, elects the alternative of receiving the death-cum-retirement gratuity and a lump sum in lieu of pension in terms of rule 67 of Maharashtra Civil Services (Pension) Rules, 1982 or

(iii) is compulsorily retired from service as penalty and is granted pension under rule 101 of Maharashtra Civil Services (Pension) Rules, 1982; or

(iv) is in receipt of Compassionate Pension under rule 102 of Maharashtra Civil Services (Pension) Rules, 1982 or

(v) has retired from service on one of the pensions referred to in rule 12 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 5 after he has been declared fit by the appropriate medical authority

19. Application For Commutation Of Pension :-

An applicant referred to in rule 18 shall apply to the Head of Office in Form-C for commutation of fraction of his pension including provisional pension sanctioned under rule 126 of Maharashtra Civil Services (Pension) Rules, 1982.

20. Action To Be Taken By The Head Of Office On Application For Commutation Of Pension :-

(1) the Head of Office on receipt of application in Part-I of Form-C under rule 19 shall --

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

(b) Forward Form-C in original to the Audit Officer in Part-III of that Form with the request that Part-IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.

(2) The Audit Officer on receipt of Form-C from the Head of Office under sub-rule (1) shall complete Part-IV of that Form and transmit the same to the Head of Office as early as possible.

(3) The Head of Office on receipt of Form-C from the Audit Officer under sub-rule (2) shall address in Form -D to the medical Board /Civil Surgeon/District Medical Officer or Superintendent of Government Hospital as the case may be, where the applicant desires to be medically examined and forward to him the following documents :-

(i) Form-C with Part-IV of that Form duly completed in original ;

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

(iii) a copy of Form-E with a spare copy of Part -III of that Form;

(iv) report or statement of the applicants 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 -D addressed to the medical authority as referred to in sub-rule (3) shall be endorsed to the applicant and the Audit Officer by the Head of Office.

21. Action To Be Taken By Medical Authority :-

(1) The medical authority on receipt of documents referred to in sub-rule (3) of rule 20 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 applicant in Form-C;

(b) transmit the documents referred to in sub-rule (3) of rule 20 to the medical authority with the direction to examine the applicant as provided in rule 25;

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

(2) In fixing the date of medical examination, it shall be ensured that the medical examination is held as far as possible, before the date of applicants next birthday.

22. Medical Authority :-

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

(a) seeks commutation of Invalid Pension ; or

(b) seeks commutation of pension other than Invalid Pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds one hundred rupees per mensem ; 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, applied for second medical examination in accordance with the provisions of rules 26 and 27.

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

23. Fee For Medical Examination To Be Borne By The Applicant :-

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

24. Failure To Appear Before Medical Authority :-

(1) If the applicant after receipt of communication from the appropriate medical authority referred to in clause (c) of sub-Rule (1) of rule 21 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 applicant 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 21.

(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.

25. Procedure For Medical Examination :-

(1) The medical authority shall--

(a) obtain from the applicant a statement in Part-I of Form-E duly signed by the applicant in its presence;

(b) subject the applicant to medical examination and enter the result thereof in Part-II of Form-E

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

(d) Complete the certificate contained in Part -III of Form-E provided that where --

(i) an applicant has been granted Invalid Pension, or

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

(iii) an applicant has been refused commutation on medical grounds, or

(iv) an applicant 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-E take into consideration the statement of the medical cases of the applicant,

(2) After complying with the requirements of sub-rule (1) the medical authority shall without delay forward to the Audit Officer who has already completed Part-IV of Form-C the following documents, namely :-

(a) Form C in original;

(b) attested copy of the applicants photograph;

(c) Form-E in original ; and

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

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

26. Second Medical Examination :-

(1) Subject to the provisions of rule 27 the medical examination in the case of an applicant referred to in clause (c) of sub-rule (1) of rule 22 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 applicant desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with the 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) The Head of Office on receipt of letter under sub-rule (2) shall address the medical authority for arranging re-examination of he applicant by a Medical Board and forward the following documents to such authority--

- (a) letter in original received from the applicant;
- (b) the certified copy of Form-E received earlier by the Head of Officer from the medical authority under clause (d) of sub-rule (2) of rule 25.

(4) The medical authority on receipt of the communication from the Head of Office under sub-rule (3) shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant 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 applicant and if after the examination 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 applicant. 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 by the Head of Office under sub-rule(6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion. The Head of Office thereafter shall request the Audit Officer to take further action for the authorisation of the commuted value and forward the following documents to him :-

- (i) letter in original received from the applicant under sub-rule (2),
 - (ii) the opinion of the Medical Board received under sub-rule (6) in original.
 - (iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.
- (8) The Audit Officer on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

27. Appeal Against The Findings Of Medical Authority :-

(1) Notwithstanding anything contained in rule 26, an applicant referred to in clause (c), of sub-rule (1) of rule 22 shall be eligible for second medical examination before the expiry of the period specified in sub-rule (1) of rule 26, 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 an applicant may, within one month of the receipt of the certified copy of Part-III of Form-E 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. He shall indicate in the letter--

- (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 an applicant referred to in sub-rule (1) --

- (a) was examined previously by a Medical Officer, not lower in status than Civil Surgeon or a District Medical Officer or superintendent of Government 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 of Office shall, within one month of the receipt of

letter under sub-rule (1) take steps for arranging the re-examination of the applicant. For this purpose, he shall address the medical authority, where the applicant was examined previously. He shall, while addressing the medical authority, invite his attention to the provisions of sub-rule(2) and forward to it the following documents :-

- (a) letter received from the applicant in original ;
- (b) certified copy of Form-E received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 25.

(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 applicant by a Medical Board which shall be constituted in accordance with the provisions of sub-rule(2). The medical authority shall, thereafter, inform the applicant as to where and when he should appear for medical examination before the Medical Board or, if necessary, direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant 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 applicant and if after the examination, 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 applicant and the findings of the Medical Board shall be binding on the applicant.

(7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicants age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

28. Withdrawal Of Application :-

(1) The applicant may after giving a notice in writing, to the Head of Office, 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 applicants age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant 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-E and endorse a copy of notice to the Audit Officer, or

(b) request the Head of Office within the period specified in clause (a) under intimation to the Audit Officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

(3) Where a request for withdrawal has not been made by the applicant 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 Audit Officer shall take action to authorise the payment 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 Audit Officer shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the Audit Officer under rule 29 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form-D it shall be open to the applicant to withdraw his application by a written notice addressed to the Audit Officer and the applicant 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.

29. 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 6 the payment shall be made in accordance with the value so modified.

(2) Where the commuted value calculated with reference to Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Audit Officer, shall,--

- (a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 28; and
- (b) endorse to the Head of Office a copy of the communication issued under clause (a).

30. Authorisation Of Payment Of Commuted Value By The Audit Officer :-

(1) Subject to the provisions of sub-rules (2) & (3) of rule 28, the Audit Officer on receipt of the documents referred to in sub-rule (2) of rule 25, 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 become absolute ;
- (ii) the amount of residuary pension;
- (iii) Form-E in original;
- (iv) copy of the applicants photograph as attested by the medical authority.

(2) The Audit Officer shall also--

- (a) bring to the notice of disbursing authority the provisions of the proviso to rule 6 regarding the date on which the amount of original pension should be reduced;
- (b) endorse to the applicant 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 applicant the provisions of the proviso to sub-rule (1) of rule 6.

31. Final Assessment Of Provisional Pension :-

(1) An applicant referred to in sub-rule (3) of rule 9, to whom the commuted value of the fraction of the provisional pension has been paid by the Head of Office shall, on final assessment of the pension be paid by the Audit Officer, the difference between the commuted value so determined and the commuted value already paid :

Provided that where an applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension

exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in clause (iii) of sub-rule (3) (b) of rule 9, and he is declared fit by a Medical Board.

(2) The Commuted value of the fraction of provisional pension as indicated in the endorsement in Form-D addressed to the applicant and forwarded under sub-rule(4) of rule 20 shall be deemed to have been amended with the issue of an authority by the Audit Officer for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

CHAPTER 5 MISCELLANEOUS

32. Right To Interpret :-

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

33. Power Of Relaxation :-

Where any Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Department may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and 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 concurrence of the Finance Department.

34. Repeal And Saving :-

(1) The Maharashtra Civil Services (Commutation of Pension) Rules, 1981, are hereby repealed.

(2) Notwithstanding such repeal --

(a) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of rules in force immediately before the commencement of these rules, as if these rules had not been made; and

(b) subject to the provisions of clause (a) anything done or any action taken under the rules in force immediately before the commencement of these rules, shall be deemed to have been done or taken under the corresponding provisions of these rules.