

## **Rajasthan Civil Services (Commutation Of Pension) Rules, 1996**

**[18 September 1996]**

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# **Rajasthan Civil Services (Commutation Of Pension) Rules, 1996**

**[18 September 1996]**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor hereby makes the following rules, namely :-

## **CHAPTER 1 PRELIMINARY**

### **1. Short title and commencement :-**

- (1) These rules may be called the Rajasthan Civil Services (Commutation of Pension) Rules, 1996.
- (2) They shall come into force with effect from 1.10.1996.

### **2. Application :-**

These rules shall apply to Government servants who may be entitled to or have been authorised any class of pension referred to in Chapter III of the Rajasthan Civil Services(Pension) Rules, 1996.

### **3. Definitions :-**

- (1) In these rules unless the context otherwise requires-
  - (a) "Director, Pension" means the Director, Pension and Pensioners Welfare Department Rajasthan, Jaipur.
  - (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 retirement gratuity" means the gratuity payable under Rule 55 of Rajasthan Civil Services (Pension) Rules, 1996.

(d) "disbursing authority" means:-

(i) treasury including sub-treasury, or

(ii) Pension Payment Officer, or

(iii) branch of a nationalised bank, from where the applicant is receiving pension authorised under the Pension Rules;

(e) "Form" means a Form appended to these rules;

(f) "Government" means the Government of Rajasthan.

(g) "Head of Office" means a gazetted officer declared as such by a Head of Department under Rule 3 of General Financial & Accounts Rules.

(h) "Medical authority" means medical authority referred to in rule 20.

(i) "pension" means any class of pension referred to in Chapter III of Rajasthan Civil Services (Pension) Rules, 1996.

(j) "Pension Rules" means the Rajasthan Civil Services (Pension) Rules, 1996.

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

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Rajasthan Civil Services (Pension) Rules, 1996.

## **CHAPTER 2 GENERAL CONDITIONS**

### **4. Restriction on commutation of pension :-**

(1) No Government servant against whom departmental or judicial proceedings as referred to in Rule 7 of the Pension Rules, 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 under Rule 90 of the Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

(2) No Government servant who has been granted provisional pension pending determination of final pension shall be eligible to commute a fraction of his provisional pension.

### **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 1 or Form 2, 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, such fraction of a 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 12 on the date on which the application in Form 1 is received by the Head of Office;

(ii) in chapter IV on the date on which the medical authority signs the medical report in Part III of Form 4;

(iii) In sub-rule (3) of rule 12, on the date following the date of his retirement. 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 Director Pension 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.

(c) in the case of an applicant governed by sub-rule (3) of Rule 12 in whose case the commuted value of pension becomes payable on the day following the date of his retirement, the reduction in the amount of pension on account of commutation shall be operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement, the reduction in the amount of pension on account of commutation shall be operative in accordance with proviso (a) or (b), as the case may be.

(2) In the case of an applicant referred to in Rule 9, 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 the Pension Payment Order by the disbursing authority under intimation to the Director Pension who authorised the payment of commuted value of pension.

## **7. Nominations :-**

(1) An applicant shall make a nomination in Form 5 along with the application referred to in Rule 12 or Rule 17, as the case may be, conferring on one or more persons the right to receive the commuted value of pension in case the applicant dies without receiving the commuted value on or after the date on which commutation became absolute.

(2) If there is no such nomination, or if the nomination made does not subsist, the commuted value shall be paid to the family in the manner indicated in sub-rule (1) (b) of Rule 56 of the Pension Rules.

(3) If in any case the commuted value cannot be paid in the manner indicated in sub-rules (1) and (2), the same shall be paid to his heirs.

## **8. Calculation of commuted value of pension :-**

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.

## **9. 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.

## **CHAPTER3 COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION**

## **10. Scope :-**

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

## **11. Eligibility :-**

An applicant who is authorised-

- (i) a superannuation pension under Rule 30 of the Pension Rules; or
- (ii) a retiring pension under Rule 32 of the Pension Rules, or
- (iii) a pension on absorption in or under a corporation or company or body in terms of Rule 33 of Pension Rules and who elects to receive monthly pension and death cum retirement gratuity; or
- (iv) a compensation pension on abolition of permanent post under Rule 38 of the Pension Rules; or
- (v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in Rule 7 of the pension Rules 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 1 in accordance with the provisions of Rule 12.

## **12. Application for commutation of pension :-**

(1) An applicant, who is in receipt of any pension referred to in Rule 11 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 1, after the date of his retirement;
- (b) ensure that the application in Form 1, 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-

- (a) referred to in clause (iii) of Rule 11, 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;
- (b) referred to in clause (v) of Rule 11, 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 in Form 1 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 2 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 1 along with pension papers so as to reach the Head of Office before the date of superannuation; and

(c) 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 such retirement.

### **13. 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 1 under sub-rule (1) and sub-rule (3) of Rule 12 shall--

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

(b) immediately the receipt of Form 1 in Part II of that Form and despatch the same to the applicant;

(c) take immediate action to complete Part III of Form 1 and forward the same to the Director Pension after retaining one copy for his record.

(2) In case application in Form 1 is received by the Head of Office under subrule (1) of Rule 12 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 2 so that arrangements for medical

examination are made in accordance with the procedure laid down in Chapter IV.

**14. Authorisation of commuted value by the Director Pension :-**

(1) The Director Pension on receipt of Form 1 from the Head of Office shall verify that--

- (a) information furnished by the Head of Office in Part III of Form 1 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 Director Pension after necessary verification of the information furnished in Form 1 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 instruction that he should collect the commuted value of pension from the disbursing authority.

(3) (a) The Director Pension on receipt of Form 1 in respect of Government servants who apply for commutation while in service under Rule 12 (3) 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 finalize 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 Director, Pension after necessary verification of the information furnished in Form-1 shall--

"(A) issue payment authority, superscribing" not payable before the.....(following the date of retirement) to the pensioner."

(B) indicate in both the halves of the Pension Payment Order (1) the gross pension; (2) the amount of pension commuted; and (3) the fact that the commuted value of pension has been authorised separately through the disbursing authority.



- (C) correspondingly reduce the monthly pension from its inception;
- (D) make a note of payment of the commuted value of pension having been made to the retiring Government servant in his Service Book; and
- (ii) The Director, Pension shall intimate to the applicant the date on which the Pension Payment Order has been despatched to the disbursing authority.

#### **CHAPTER 4** COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

##### **15. Scope :-**

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

##### **16. Eligibility :-**

An applicant who--

- (i) retires on invalid pension under Rule 35 of the Pension Rules; or
- (ii) on absorption in or under a corporation or company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lump sum in lieu of pension in terms of Rule 34 of the Pension Rules; or
- (iii) is compulsorily retired from service as penalty and is granted pension under Rule 42 of the Pension Rules; or
- (iv) is in receipt of compassionate allowance under Rule 43 of the Pension Rules; or
- (v) has retired from service on one of the pensions referred to in Rule 11 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.

##### **17. Application for commutation of pension :-**

An applicant referred to in Rule 16 shall apply to the Head of Office in Form 2 for commutation of a fraction of his pension.

##### **18. 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 2 under Rule 17 shall----

(a) acknowledge immediately the receipt of Form 2 in Part II of that Form and despatch the same to the applicant;

(b) forward Form 2 in original to the Director, Pension 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 Director, Pension on receipt of Form 2 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 2 from the Director, Pension Department under sub rule(2) shall address in Form 3 the Superintendent of Government hospital/Chief Medical Officer as the case may be where the applicant desires to be medically examined and forward to him the following documents:-

(i) Form 2 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 4 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 3 addressed to Superintendent of Government Hospital/Chief Medical & Health Officer as the case may be shall be endorsed to the applicant and the Director Pension Department by the Head of Office.

**19. Action to be taken by the Superintendent of a Government Hospital/Chief Medical & Health officer :-**

(1) The superintendent of a Government Hospital/Chief Medical & Health Officer on receipt of documents referred to in sub-rule (3) of rule 18 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 2;

(b) transmit the documents referred to in sub-rule(3) of rule 18 to the medical authority with the direction to examine the applicant as

provided in rule 23;

(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.

## **20. 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) 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 a second medical examination in accordance with the provisions of rule 24.

(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 or Chief Medical Officer.

## **21. 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 Government.

## **22. Failure to appear before medical authority :-**

(1) If the applicant after receipt of communication from the Superintendent of a Government Hospital or Chief Medical & Health Officer or the medical authority referred to in clause (b) of sub-rule (1) of rule 19 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change thereon 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 on expiry of a period of a fortnight.

(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.

### **23. Procedure for Medical Examination :-**

(1) The medical authority shall--

(a) obtain from the applicant a statement in Part I of Form 4, 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 4;

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

(d) complete the certificate contained in Part III of Form 4;

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 4, take into consideration the statement of the medical case of the applicant.

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

(a) Form 2 in original,

(b) attested copy of the applicants photograph,

(c) Form 4 in original, and

(d) a certified copy of Form 4 to the Head of Office who has countersigned Part IV of Form 2.

(3) The medical authority shall also send to the applicant a certified copy of Part III of Form 4.

### **24. Second Medical Examination :-**

(1) Subject to the provisions of Rule 25, the medical examination in the case of an applicant referred to in clause(c) of sub-rule(1) of Rule 20 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-

- (i) the medical authority which examined him earlier, and the date on which such examination took place,
- (ii) the place where he was examined,
- (iii) the opinion of the medical authority,
- (iv) the date of birth and the date of retirement,
- (v) designation of the post held at the time of retirement,
- (vi) the amount of pension authorised,
- (vii) 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 Superintendent of a Government Hospital/Chief Medical & Health Officer for arranging reexamination of the applicant by a Medical Board and forward the following documents to such authority:-

- (i) letter in original received from the applicant,
- (ii) the certified copy of Form 4 received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 23

(4) The Superintendent of a Government Hospital/Chief Medical & Health Officer 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 "Director, Pension Department" 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 "Director, Pension Department" on receipt of the documents under subrule (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.

## **25. Appeal against the findings of medical authority :-**

(1) Notwithstanding anything contained in Rule 24 an applicant referred to in clause (b) of sub-rule (1) of Rule 20 shall be eligible for second medical examination before the expiry of the period specified in sub rule (1) of Rule 24 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 judgment. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 4, 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 expenses. He shall also indicate in the letter-

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

(ii) the place where he was examined,

(iii) the opinion of the medical authority,

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

(v) designation of the post held at the time of retirement,

(vi) the amount of pension authorised,

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

(2) In case an applicant referred to in sub-rule (1)-

(i) was examined previously by a Medical Officer, not lower in status than Civil Surgeon or a District Medical Officer, he shall be reexamined by a Medical Board, or

(ii) was previously examined by a Medical Board, he shall be

reexamined 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 subrule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Superintendent of the Government Hospital/C.M. & H.O., where the applicant was examined previously. He shall, while addressing the Superintendent of the Government Hospital/C.M. & H.O., invite his attention to the provisions of sub-rule (2) and forward to it the following documents:-

- (i) letter received from the applicant in original,
- (ii) certified copy of Form 4 received earlier by the Head of Office from the Medical authority under clause (d) of sub-rule(2) of Rule 23.

(4) The Superintendent of Govt. Hospital/CM & HO 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 Superintendent of Govt. Hospital, Chief Medical & Health Officer 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 the 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 finding 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.

## **26. Withdrawal of application :-**

(1) The applicant may after giving notice in writing, to the Head of the Office, withdraw his application at any time before subjecting himself to 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 receives the certified copy of part III of Form 4 and endorse a copy of notice to the Director, Pension, or

(b) request the Head of Office within the period specified in clause (a) under intimation to the Director, Pension 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 Director, Pension Department 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, Pension Department shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the Director, Pension Department under rule 27 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 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the Director, Pension Department 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.

## **27. 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 (ii) 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 the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Director, Pension Department shall,

(a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 26, and

(b) endorse to the Head of Office a copy of the communication issued under clause (a).

## **28. Authorisation of payment of commuted value by the Director, Pension Department :-**

(1) Subject to the provisions of sub-rule (2) and sub-rule (3) of rule 26, the Director, Pension Department on receipt of the documents referred to in sub-rule (2) of rule 23, 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) Form 4 in original,

(iv) copy of the applicants photograph as attested by the medical authority.

(2) The Director, Pension Department shall also,

(a) bring to the notice of disbursing authority the provisions of the proviso to sub-rule (1) of 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 subrule (1) of rule 6.

## **CHAPTER 5 CHAPTER V**

### **29. Restoration of Commutation of Pension :-**

(1) A pensioner who retired from Government service and

commuted a part of his pension subject to a maximum of 1/3rd of his original pension under Commutation of Pension Rules, and on the date of promulgation of these rules or thereafter has completed or will complete 14 years from the respective dates of commutation, the commuted portion shall be restored from the first of the month following the month in which the period of 14 years has elapsed from the date of such commutation and shall be allowed full pension which he would have drawn but for commutation of a portion of pension. The restored portion of pension shall not be permitted to be commuted again.

(2) In cases where period of 14 years of commutation is already over before the date of promulgation of these rules, the commuted portion shall be restored from the date of promulgation of these rules.

(3) Government employees who got themselves absorbed under Public Sector Undertaking/ Autonomous Bodies & have received or opted to receive payment of lump sum amount under Rule 34 of Pension Rules, shall not be entitled to the benefits of sub rule (1) as they cease to be Government Pensioners.

(4) The concerned Treasury Officer/Pension Payment Officer shall indicate the date of restoration of commuted pension as per provisions contained in sub rule (1) at the time of commutation of pension in the both halves of Pension Payment Order in the following format :-

"The amount of pension of Rs. \_\_\_ commuted on \_\_\_\_ shall be restored from the first of the month following the month in which the period of 14 years will elapse i.e. on provided that the pensioner himself is alive on that date."

## **CHAPTER 6 MISCELLANEOUS**

### **30. Interpretation :-**

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

### **31. Power to relax :-**

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.

**32. Repeal and savings :-**

(1) On the commencement of these rules, every rule, regulation contained in RCS (Commutation of Pension) Rules 1981 as amended from time to time or order including Office Memoranda (herein after referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such ceaser of operation-

(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 old 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 old rules shall be deemed to have been done or taken under the corresponding provision of these rules.