

Rajasthan Civil Services (Pension) Rules, 1996

[18 September 1996]

CONTENTS

CHAPTER 1 :- PRELIMINARY AND GENERAL CONDITIONS

1. Short Title and Commencement
2. Application
3. Definitions
4. Regulation of claims to pension or family pension
5. Limitations on number of pensions
6. Pension subject to future good conduct
7. Right of Governor to withhold or withdraw pension
8. Claim to pension when inadmissible
9. Commercial employment after retirement
10. Restriction on practice in Sales Tax and other cases after retirement
11. Employment after retirement under a Government outside India

CHAPTER 2 :- QUALIFYING SERVICE

12. Commencement of qualifying service
13. Conditions subject to which service qualifies
14. Governments power to declare any service as qualifying service
15. Counting of Service as Apprentice
16. Counting of service on probation
17. Counting of service on contract
18. Counting of pre-retirement civil service in the case of re-employed Government servants
19. Counting of military service rendered before civil employment
20. Counting of periods spent on leave
21. Counting of periods spent on training
22. Counting of periods of suspension
23. Forfeiture of service on dismissal or removal
24. Counting of past service on reinstatement
25. Forfeiture of service on resignation
26. Effect of interruption in service
27. Condonation of interruption in service
28. Period of deputation to United Nations and other organisations
29. Verification of qualifying service after 25 years service, or 5 years before retirement

CHAPTER 3 :- CLASSES OF PENSIONS AND CONDITIONS

GOVERNING THEIR GRANT

- 30. Superannuation Pension
- 31. Combined appointments
- 32. Retiring Pension
- 33. Pension on absorption in or under a corporation, company or body
- 34. Payment of lump sum amount to persons on absorption in or under a corporation, company or body
- 35. Invalid Pension
- 36. Special precaution in the Police
- 37. Restriction
- 38. Compensation Pension
- 39. Discharge to make room for better qualified person will not be treated as abolition
- 40. Non-admissibility of Pension on discharge after completion of specified term of service
- 41. Discharge within the period of contract
- 42. Compulsory retirement pension
- 43. Compassionate allowance
- 44. Rules regulating the Compassionate Fund

CHAPTER 4 :- EMOLUMENTS

- 45. Emoluments
- 46. Allowances which do not count
- 47. Net Emoluments taken
- 48. Regulation of pension on holding more than one appointment
- 49. No increase in pension for holding more than one office conjointly

CHAPTER 5 :- REGULATION OF AMOUNTS OF PENSIONS

- 50. Retirement on completion of 15 years qualifying Service
- 51. Addition to qualifying service on voluntary retirement
- 52. Addition to qualifying service on voluntary retirement by employees declared surplus
- 53. Compulsory retirement on completion of 15 years qualifying service.
- 53A. Compulsory retirement of a Government servant who has more than three children
- 54. Amount of pension
- 55. Retirement/Death Gratuity
- 56. Persons to whom gratuity is payable
- 57. Debarring a person from receiving gratuity
- 58. Lapse of retirement gratuity/death gratuity
- 59. Nominations
- 60. Applicability
- 61. Admissibility of pension
- 62. Amount of family pension
- 63. Family Pension not admissible on award of extra ordinary

pension

64. Regulation of family pension to the family of a re-employed military pensioner

65. Family pension not to be granted to a person in receipt of or eligible for the same from other sources

66. Definitions

67. Condition of grant

68. Order of Allotment

69. Family pension not payable to more than one member at the same time

70. Family pension to be given to the eldest eligible child

71. Payment of family pension to the guardian on behalf of minor

72. Regulation of pension in case both wife and husband are Government servants

73. Suspension of family pension if the recipient is charged with the offence of murdering the Government servant, etc

74. Communication of Details of family by the Govt. servant

75. Ex-gratia grant to the family of a Government servant who dies while on duty in certain circumstances

76. Ex-gratia grant to the family of a Police/Civil Defence & Home Guard personnel who die due to injury intentionally inflicted while on duty by a terrorist

77. Dearness Relief on Pension/Family Pension

77A. Interim Relief on pension/family pension

CHAPTER 6 :- DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

78. Preparation of list of Government servants due for retirement

79. Intimation to the Directorate of Estates/Public Works Department regarding issue of "No Demand Certificate"

80. Preparation of Pension papers

81. Stages for the completion of pension papers

82. Completion of pension papers

83. Forwarding of pension papers to Director, Pension Department

84. Intimation to the Director, Pension Department, regarding any event having bearing on pension

85. Intimation of the particulars of Government dues to the Director Pension Department, Rajasthan

86. Provisional Pension

87. Authorisation of Pension and Gratuity by Director, Pension Department

88. Government servant on foreign service

89. Interest on delayed payment of retiral benefits

90. Provisional pension where departmental or judicial proceedings may be pending

91. Revision of pension after authorisation

92. Recovery and adjustment of Government dues

93. Adjustment and recovery of dues pertaining to Government accommodation

- 94. Adjustment and recovery of dues other than dues pertaining to Government Accommodation
- 95. Obtaining of claims for family pension and death gratuity
- 96. Completion of Form 18
- 97. Determination of the amount of family pension and gratuity where service records are incomplete
- 98. Forwarding the papers to the Director, Pension Department
- 99. Sanction, drawal and disbursement of provisional family pension and gratuity
- 100. Authorisation of final pension and balance of the gratuity by the Director Pension
- 101. Adjustment of Government dues
- 102. Payment of family pension and death gratuity when a Government servant dies while on deputation
- 103. Procedure to be adopted for grant of family pension under provisos to rule 61 of Family Pension Rules
- 104. Endorsement of the family pension entitlement of post retiral spouses in the Pension Payment Order of pensioners
- 105. Procedure in respect of ex gratia grant under Rule 75
- 106. Procedure in respect of ex gratia grant under rule 76
- 107. Sanction of family pension and residuary gratuity on the death of a pensioner
- 108. Authorisation of payment by Director, Pension Department

CHAPTER 7 :- SPECIAL PENSIONARY AWARDS

- 109. Applicability
- 110. Applicability of Award
- 111. Amount of Award
- 112. Definition of emoluments
- 113. Dearness Relief / Interim Relief
- 114. Procedure

CHAPTER 8 :- EXTRAORDINARY PENSIONS

- 115. Extent of application
- 116. Definition
- 117. Condition for accepting disablement/death due to Government service
- 118. Conditions of Award
- 119. Effect of award on other pensionary benefits
- 120. Award when inadmissible
- 121. Determination of percentage of disability
- 122. Amount of Disability Pension Award
- 123. Amount of Award (EOP) to Family
- 124. Award to other members of the deceaseds family
- 125. Date from which award to the family effective
- 126. Continuance of award to widow on remarriage with her deceased husbands brother
- 127. Procedure

CHAPTER 9 :- PAYMENTS OF PENSIONS

- 128. Date from which pension becomes payable
- 129. Currency in which pension is payable
- 130. Manner of payment of gratuity and pension
- 131. Date of payment of extraordinary pension
- 132. Application of Treasury Rules
- 133. Personal appearance for identification
- 134. Authorities for signing a life certificate
- 135. Drawing of pension through an Agent
- 136. Verification of continued existence of a pensioner once a year
- 137. Drawing of pension through an authorised agent
- 138. Transfer of Payment to another State
- 139. Transfer of payment from one Treasury to another or to a Sub Treasury under a District Treasury
- 140. Certificate of non-employment
- 141. Renewal of Pension Payment Order
- 142. Issue of New Pension Payment Order on loss
- 143. Lapses and Forfeiture
- 144. Payment of difference of pension to the missing pensioner on his reappearance
- 145. Payment of arrears of pension of deceased pensioner without producing of usual legal authority
- 146. Payment of arrears of pension of "unheard of" pensioner
- 147. Payment of arrears of family pension under second proviso to rule 61 in case of a missing Government Servant
- 148. No claim to pension of heirs when a Government servant dies before retirement or discharge

CHAPTER 10 :- FIXATION OF PAY OF RE-EMPLOYED PENSIONERS

- 149. Applicability
- 150. Definition
- 151. Re-employment after superannuation or retiring pension
- 152. Fixation of pay of re-employed pensioners
- 153. Drawal of increments
- 154. Personnel retiring on Invalid or Compensation pension
- 155. Promotion/Transfer
- 156. Allowances
- 157. Special pay on re-employment
- 158. Leave and leave salary
- 159. Gratuity, Death/Retirement Gratuity
- 160. Retrenched employees
- 161. Extra ordinary pension admissible during re-employment
- 162. Pensioner to declare amount of pension to the appointing authority
- 163. Details to be called for from the Head of Office/Director, Pension Department
- 164. Authority competent to fix the pay

CHAPTER 11 :- MISCELLANEOUS

- 165. Interpretation
- 166. Power to relax
- 167. Power to delegate
- 168. Repeal and Saving

Rajasthan Civil Services (Pension) Rules, 1996

[18 September 1996]

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules regarding the conditions of service of persons appointed to service and posts in connection with the affairs of Rajasthan.

CHAPTER 1 PRELIMINARY AND GENERAL CONDITIONS

1. Short Title and Commencement :-

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

2. Application :-

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to Civil services and posts in connection with the affairs of the Rajasthan State which are borne on pensionable establishments, but shall not apply to -

- (a) persons in casual, daily rated and work-charged employment;
- (b) persons paid from contingencies;
- (c) persons entitled to the benefit of a Contributory Provident Fund;
- (d) members of the All India Services;
- (e) persons employed on contract except when the contract provides otherwise;
- (f) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force; and
- "(g) Government servants appointed to the civil services of the State on or after the 1st day of January, 2004."

3. Definitions :-

- (1) In these rules, unless the context otherwise requires -
- (a) allottee means a Government servant to whom Government accommodation has been allotted;

(b) child means a child of the Government servant, who, if a son, is under twenty five years of age and if a daughter, is unmarried and is under twenty five years of age and the expression children shall be construed accordingly;

(c) Dearness relief means relief as defined in rule 77;

(d) Director, Pension means Director, Pension and Pensioners Welfare Department, Rajasthan;

(e) emoluments means emoluments as defined in rule 45;

(f) family pension means family pension admissible under Chapter V C, but does not include Dearness Relief and Interim Relief;

(g) foreign service means service in which a Government servant receives his pay with the sanction of the Government from any source other than the Consolidated Fund;

(h) Form means a Form appended to these rules;

(i) Government means the State Government of Rajasthan;

(j) Government dues means dues as defined in sub rule (3) of rule 92;

(k) gratuity includes -

(i) service gratuity payable under sub rule (1) of rule 54;

(ii) retirement gratuity/death gratuity payable under sub-rule(1) of Rule 55; and

(iii) residuary gratuity payable under sub rule (2) of Rule 55.

(l) Head of Department means an authority specified in the General Financial and Accounts Rules of the Rajasthan Government and includes such other authority or person whom the Government may, by order specify as Head of a Department;

(m) Head of Office means a Gazetted Officer who is declared as such under Rule 3 of the General Financial & Accounts Rules, and includes such other authority or person whom the competent authority may, by order, specify as Head of Office;

(n) Local Fund administered by Government means the fund administered by a body which, by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retains complete and direct control;

(o) minor means a person who has not completed the age of eighteen years;

(p) pension includes gratuity except when the term pension is used in contradistinction to gratuity; but does not include dearness relief and Interim Relief;

(q) Pension Disbursing Authority means -

(i) Treasury including sub-treasury, or

(ii) Pension Payment Officer, or

(iii) Branch of a nationalised bank.

(r) qualifying service means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules;

(s) retirement benefit includes pension or service gratuity, and retirement gratuity where admissible;

(t) Service Book includes service roll, if any;

(u) Treasury includes a Sub Treasury.

(2) Words and expression used herein and not defined but defined in the Rajasthan Service Rules have the meanings respectively assigned to them in those Rules.

B - GENERAL CONDITIONS.

4. Regulation of claims to pension or family pension :-

(1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

(2) The day on which a Government servant 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 day of death shall also be treated as a working day. Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under sub rule (1) of rule 53 and sub-rule (1) of rule 50, as the case may be, the date of retirement shall be treated as a non-working day.

5. Limitations on number of pensions :-

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

(2) Two Government servants may not simultaneously count service in respect of the same office.

(3) A Government servant who, having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

6. Pension subject to future good conduct :-

(1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(b) The appointing authority may, by order in writing, withhold or withdraw a pension or a 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 such pension shall not be reduced below the amount of rupees three hundred per mensem.

(2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub rule (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 the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall before passing an order under sub rule (1),

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the appointing authority, such representation as he may wish to make against the proposal; and

(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(4) Where the authority competent to pass an order under sub rule (1) is the Governor, the Rajasthan Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order under sub rule (1), passed by any authority other than the Governor, shall lie to the Governor and the Governor shall, in consultation with the Rajasthan Public Service Commission, pass such orders on the appeal as he deems fit.

7. Right of Governor to withhold or withdraw pension :-

(1) The Governor reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the 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 Rajasthan Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of 1 "rupees one thousand two hundred seventy five per mensem."

(2) (a) The departmental proceedings referred to in sub rule (1), if instituted while the Government servant was in service whether before his retirement or during his reemployment, shall, after the final retirement of the Government servant, 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 servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the Governor, that authority shall submit a report recording its findings to the Governor.

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

(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 in such place as the Governor may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

(4) In the case of a Government servant 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 90 shall be sanctioned.

(5) Where the Governor decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule, -

(a) departmental proceedings shall be deemed to be instituted on

the date on which the charges together with a statement of allegations on which they are based, or the proposal of Government to take disciplinary action together with the allegations on which it is proposed to be taken, are issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and

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

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

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

8. Claim to pension when inadmissible :-

In the following cases no claim to pension is admitted:-

(a) When a Government servant is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.

(b) When a person is employed temporarily on monthly wages without specified limit of time or duty, but a months notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month.

(c) When a persons whole time is not retained for the public service, but he is merely paid for work done for the State.

9. Commercial employment after retirement :-

(1) If a pensioner who, immediately before his retirement was a member of any State Service 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 by submitting an application in Form 25. Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) Subject to the provisions of sub rule (3), the Government may, by order in writing, on the application made under sub rule (1) by a pensioner, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission to such pensioner to take up the commercial

employment specified in the application.

(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 the 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 Government;

(c) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours 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) any other relevant factor.

10. Restriction on practice in Sales Tax and other cases after retirement :-

(1) No pensioner who, while in service, belonged to the Rajasthan Commercial Taxes Service, or who, having been a member of any other State Service retired from a post under the Department of Finance, shall set up practice before the expiry of two years from the date of his retirement -

(a) in any area which was within the local limit of his jurisdiction during the last three years immediately before his retirement;

(b) in areas other than those referred to in clause (a) without the previous sanction of the Governor;

(2) No pension shall be payable to such pensioner who sets up practice in contravention of sub rule (1) in respect of any period for which he has set up practice or such longer period as the Government may direct.

11. Employment after retirement under a Government outside India :-

If a pensioner, who immediately before his retirement was a member of a State Service, wishes to accept any employment

under any Government outside India, he shall obtain the previous permission of the 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: Provided that a Government servant who was permitted by the Government to take up a particular form of employment under any Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

CHAPTER 2 QUALIFYING SERVICE

12. Commencement of qualifying service :-

- (a) Except for compensation gratuity, a Government servant's service does not qualify till he has completed eighteen years of age.
- (b) Subject to the provisions of these rules, the qualifying service of a Government servant shall commence from the date he takes over charge of the post to which he is first appointed, either substantively or in an officiating or temporary capacity.

13. Conditions subject to which service qualifies :-

- (1) The service of a Government servant shall not qualify unless he is appointed and his duties and pay 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 the Government and paid by that Government from the Consolidated Fund but does not include service in a non-pensionable establishment, work-charged establishment and service in a post paid from contingencies, unless such service is treated as qualifying service by that Government.

The fact that arrangements are made for the recovery on the part of Government, of the whole, or part, of the cost of an establishment, or officer, does not affect the operation of this principle, provided that the establishment or officer is appointed, controlled and paid by the Government.

Service paid from Local Funds, Trust Funds, Fees and Commissions etc. does not qualify.

- (3) In the case of a Government servant belonging to Central Government or any other State Government with whom the Rajasthan Government has entered into reciprocal arrangements,

who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the Central Government or that State Government in substantive, officiating or temporary capacity, shall qualify: Provided that nothing contained in this sub rule shall apply to any such Government servant who is appointed otherwise than by deputation to a service or post to which these rules apply

14. Governments power to declare any service as qualifying service :-

Government may, however, declare that any specified kind of service or service rendered by a Government servant shall qualify for pension subject to such conditions as Government may think fit to impose.

15. Counting of Service as Apprentice :-

Service as an apprentice shall not qualify for the purpose of pension.

16. Counting of service on probation :-

The service rendered as a probationer or on probation shall qualify for the purpose of pension.

17. Counting of service on contract :-

Service of an establishment paid from a Contract Establishment Allowance, with the detailed distribution of which the Government does not interfere, does not qualify whether such contract allowance is a fixed amount or consists of fees.

18. Counting of pre-retirement civil service in the case of re-employed Government servants :-

(1) A Government servant who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively 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, in which case his former service shall not count as qualifying service, or

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

- (i) the pension already drawn,
- (ii) the value received for the commutation of a part of pension, and
- (iii) the amount of 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 including the element of pension which was not taken into account for fixation of pay shall be refunded by him,
- (iii) the element of commuted part of pension, if any, which was taken in to account for fixation of his pay shall be set off against the amount of retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

19. Counting of military service rendered before civil employment :-

(1) (i) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment had rendered military service after the age of eighteen years which is pensionable under military rules but which terminates before a pension has been earned in respect of it, may count such previous military service as qualifying service, at his option to be exercised within three months of date of joining civil service or post, subject to the condition that-

(a) he shall be required to refund the bonus and/or gratuity received in respect of his earlier military service, in monthly instalments not exceeding thirty six in number, alongwith interest @ 6 % per annum from the date of his joining service under the State Government the first instalment beginning from the month in which he exercised the option.

(b) the right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(ii) In the case of a Government servant, who, having elected to refund the bonus and/or gratuity, dies before the entire amount is refunded, the unrefunded amount of bonus and/or gratuity shall be adjusted against the death gratuity which may become payable to the family.

(iii) When an order is passed under this rule allowing previous military service to count as part of the service qualifying for civil

pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military and civil service provided it does not exceed two years.

(2) Service pensionable under military rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under Civil Rules.

20. Counting of periods spent on leave :-

(1) All leave during service for which leave salary is payable shall count as qualifying service.

(2) Extra ordinary leave i.e. leave without pay and allowances, shall count as qualifying service only if taken in any of the circumstances mentioned below :-

(i) on medical certificate granted by the Authorised Medical Attendant;

(ii) for prosecuting higher scientific and technical studies;

(iii) due to the inability of the Government servant concerned to join or rejoin duty due to civil commotion or a natural calamity.

21. Counting of periods spent on training :-

(1) The Government may, by order, decide whether the time spent by a Government servant (including a person in training for, but not actually appointed to Government service) under training shall count as qualifying service.

(2) When a Government servant is deputed out of India on duty, the whole period of his absence from India counts. When a Government servant on leave out of India is employed or is detained after termination of his leave on duty, the period of such employment or detention counts.

22. Counting of periods of suspension :-

The period of suspension shall count as service qualifying for pension if no specific order otherwise has been passed by the disciplinary authority in the order of penalty. If in the order of penalty specific order to the treatment of period of suspension regarding counting of qualifying service for pension has been passed by the disciplinary authority provisions of that order shall be operative for this purpose.

23. Forfeiture of service on dismissal or removal :-

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

24. Counting of past service on reinstatement :-

(1) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is 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 count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

25. Forfeiture of service on resignation :-

(1) Resignation from a service or a post, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time admissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

26. Effect of interruption in service :-

(1) An interruption in the service of a Government servant entails forfeiture of his past service, except in the following cases :-

(a) authorised leave of absence;

(b) unauthorised absence in continuation of authorised leave of absence so long as the post of absentee is not filled substantively;

(c) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the Government servant dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension;

(d) transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a

competent authority in the public interest;

(e) joining time while on transfer from one post to another;

(f) abolition of office or loss of appointment owing to the reduction of establishment.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

27. Condonation of interruption in service :-

(1) (a) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of civil service rendered by a Government servant under Government shall be treated as automatically condoned and the pre interruption service treated as qualifying service.

"Provided that -

(i) in no case the total break beyond the period of two years shall be condoned.

(ii) in each case of interruption in service the appointing authority shall issue show cause notice of 15 days duration to the respective employee and take into consideration his representation, if any. Thereafter, the appointing authority shall take decision on merit of the case whether the period of service rendered prior to interruption shall qualify for pension or not. In case the appointing authority decides that the period of service prior to the interruption shall not be counted as qualifying service for pension, then he shall be required to make an entry in the service book. Otherwise the period of service rendered prior to interruption shall be automatically counted as service qualifying for pension.

(iii) in case of participation in strike by a Government servant, the appointing authority shall issue show cause notice of 15 days to the respective employee. If after considering the representation or otherwise it is proved that the respective employee has actually participated in the strike, the entry for the period of strike shall be made in Service Book of the employee."

(b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(c) The period of interruption referred to in clause (a) shall not count as qualifying service.

(2) Notwithstanding anything contained under sub rule (1), the Government may condone interruption in service of a Government

servant, upon such conditions as it may think fit in each case to impose, in such a manner as may appear to it to be just and equitable.

28. Period of deputation to United Nations and other organisations :-

A Government servant deputed on foreign service, for a period of five years or more, to the United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, or the Asian Development Bank or the Commonwealth Secretariat, may at his option -

(a) pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or

(b) avail of the retirement benefits admissible under the rules of the aforesaid organisations and not count such service as qualifying for pension under these rules :

Provided that where a Government servant opts for clause (b), retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Government may, by order, specify:

Provided further that pension contributions, if any, paid by the Government servant, shall be refunded to him.

29. Verification of qualifying service after 25 years service, or 5 years before retirement :-

(1) On a Government servant completing twenty-five years of service or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office, in consultation with the senior most member of the Rajasthan Accounts Service posted in the Department, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Form 24 the period of qualifying service so determined.

(2) Notwithstanding anything contained in sub-rule (1), where a Government servant 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-rule (1) and (2) shall be subject to the final verification of qualifying service which shall be made at the time of the retirement of the Government servant.

CHAPTER 3 CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

30. Superannuation Pension :-

A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement under rule 1 "56" of Rajasthan Service Rules.

31. Combined appointments :-

A Government servant holding two or more separate appointments may not, save with the express sanction of Government in the Finance Department, resign one or more of such appointments on a pension without retiring from the public service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service altogether; but in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

32. Retiring Pension :-

A retiring pension shall be granted -

- (a) to a Government servant who retires, or is retired, in advance of the age of compulsory retirement in accordance with the provisions of Rules 50 and 53 of these rules, or
- (b) to a Government servant who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of Rule 52 of these rules.

33. Pension on absorption in or under a corporation, company or body :-

A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government shall, 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, and from such date as may be determined, in accordance with the orders of the Government applicable to him.

(For detailed orders on permanent transfer of Government servants to above bodies, see Appendix IX).

34. Payment of lump sum amount to persons on absorption in or under a corporation, company or body :-

Where a Government servant referred to in Rule 33 elects the alternative of receiving the retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the retirement gratuity, be granted:

(a) on an application made in this behalf, a lump sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him in accordance with the provisions of Rajasthan Civil Services (Commutation) Rules; and

(b) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension to be worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

35. Invalid Pension :-

(1) Invalid pension may be granted if a Government servant retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, or for the particular branch of it to which he belongs.

(2) A Government servant applying for an invalid pension shall submit a medical certificate of incapacity from the following medical authority, namely :-

(a) A Medical Board in the case of Gazetted Government servant and of a non gazetted Government servant whose pay, as defined in Rule 7(24) of R.S.R., exceeds "eight thousand" rupees per mensem.

(b) Civil Surgeon or a District Medical Officer or Medical Officer or equivalent status in other cases.

Note: A lady doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

(3) The form of the Medical Certificate to be granted by the medical authority specified in sub rule (2) shall be as in Form 23.

(4) Where the medical authority referred to in sub rule (2) has declared a Government servant fit for further service of less laborious character than that which he had been doing, he should, provided he is willing to be so employed, be employed on a lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(5) No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or Department is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the Head of Office or Department in which the applicant is employed with a statement of what appears from the official records to be the applicants age. Where the applicant has a service book, the age therein recorded should be reported.

36. Special precaution in the Police :-

District Superintendents of Police should be on their guard against endeavours to retire on Invalid Pension by Government servants who are capable of serving longer.

37. Restriction :-

(1) A Government servant discharged on other grounds has no claim to Invalid Pension, even though he can provide medical evidence of incapacity for service.

(2) If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the appointing authority to decide what reduction should be made on this account.

38. Compensation Pension :-

(1) If a Government servant is selected for discharge owing to the abolition of his permanent 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 at least equal of 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 had rendered, or

(b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(2) (a) Notice of at least three months shall be given to a Government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.

(b) Where notice of at least three months is not given and the Government servant has not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(c) No compensation pension shall be payable for the period in respect of which he receives his pay and allowances in lieu of notice.

(3) In case a Government servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

39. Discharge to make room for better qualified person will not be treated as abolition :-

The discharge of one Government servant to make room for another better qualified is not the abolition of an appointment within the meaning of Rule 38.

40. Non-admissibility of Pension on discharge after completion of specified term of service :-

No pension is admissible to a Government servant for the loss of an appointment on discharge after the completion of the specified term of service.

41. Discharge within the period of contract :-

Whenever it is found necessary to determine the service of an employee serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the employee in writing.

42. Compulsory retirement pension :-

(1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two thirds and not more than full compensation pension or gratuity or both admissible to him on the date of compulsory retirement.

(2) Whenever in the case of a Government servant, the Governor passes an order (whether original, appellate or in exercise of powers of review) awarding a pension less than the full compensation pension admissible under these rules, the Rajasthan Public Service Commission shall be consulted before such order is passed.

43. Compassionate allowance :-

(1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub rule (1) shall not be less than the amount of "Rupees one thousand two hundred seventy five per mensem."

44. Rules regulating the Compassionate Fund :-

The rules regulating the grant of awards from the Compassionate Fund of Government of Rajasthan to the family of a Government servant left in indigent circumstances through the premature death of the person upon whom they depended for support are embodied in Appendix V.

CHAPTER 4 EMOLUMENTS

45. Emoluments :-

The expression "emoluments" used for the purposes of Pension, Service Gratuity and Retirement/Death Gratuity means pay as defined in Rule 7 (24) of Rajasthan Service Rules which a Government servant was receiving immediately before his retirement or on the date of his death:

Provided that special pay (excluding dual charge allowance)/ Non-practising Allowance/Non Clinical Allowance and Rural Allowance drawn by a Medical Officer shall be treated as part of pay on the basis of average of last ten months immediately before the date of retirement.

"Provided further that the amount of Dearness Allowance admissible on basic pay at the time of retirement/ death of a Government servant, as the case may be, shall be treated as part of emoluments for the purpose of grant of retirement gratuity/ death gratuity."

46. Allowances which do not count :-

A Government servant cannot count the following allowances:-

- (1) Allowances granted in consideration of the expensiveness of the locality;
- (2) Messing or sumptuary allowances;
- (3) House rent allowance, or estimated value of free quarters;
- (4) Traveling Allowances or allowances granted to meet the cost of the tour or travel which a Government servant has to undertake;
- (5) Compensation for dearness of provisions.

47. Net Emoluments taken :-

Any part of a Government servants pay or emoluments which is specially intended to provide for expenses incidental to his duty must be excluded.

The following are examples of the operation of this rule:-

- (1) When a Government servants pay is intended partly to cover the expenses of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expenses. When water-carriers pay includes provision for a bullock his pay must be taken at what it would be if he was not required to keep a bullock.
- (2) When a consolidated pay specially includes Traveling Allowance, or House Allowance these must be deducted.
- (3) When a Government servants pay is fixed at two rates, a

smaller rate during stationery duty and a higher rate during periods passed on tour or traveling, the former rate alone should be the basis of the calculation.

48. Regulation of pension on holding more than one appointment :-

If an officer has held more than one appointment in respect of each of which, if he had it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Rules 54 and 55 of the Rajasthan Civil Service (Pension) Rules, 1996.

49. No increase in pension for holding more than one office conjointly :-

A Government servant is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

CHAPTER 5 REGULATION OF AMOUNTS OF PENSIONS

50. Retirement on completion of 15 years qualifying Service :-

(1) At any time after a Government servant has completed fifteen years qualifying service, he 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 automatically become effective from the date of expiry of the said period.

(3) (a) A Government servant 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 appointing authority 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 the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months.

(4) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority: Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as defined under rule 45 of Rajasthan Civil Services (Pension) Rules, 1996, which the Government servant was receiving immediately before the date of retirement, and the increase not exceeding five years in his qualifying service under rule 51 shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a Government servant 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.

(7) If a Government servant seeks retirement under this rule while he is on leave not due, without returning to duty, the retirement, shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave shall be recovered from him.

"(8) A Government servant who gives notice of voluntary retirement under sub rule (1) of rule 50 shall satisfy himself by means of a reference to the appointing authority who is competent to retire him to the effect that he has, in fact, completed 15 years qualifying service for pension."

51. Addition to qualifying service on voluntary retirement :-

(1) The qualifying service as on the date of intended retirement of the Government servant retiring under Rule 50(1) shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed thirty-three years and it does not take him beyond the date of superannuation.

(2) The weightage of five years notional qualifying service shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under rule 53(1).

52. Addition to qualifying service on voluntary retirement by employees declared surplus :-

Notwithstanding anything contained in rules 50 and 51, the employee declared surplus from time to time shall be eligible for seeking voluntary retirement after completion of 10 years of qualifying service and attaining the age of 35 years. In such cases, a weightage of only two years qualifying service shall be given in addition to the qualifying service actually rendered by the surplus employee, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed 33 years and it does not take him beyond the date of superannuation.

53. Compulsory retirement on completion of 15 years qualifying service. :-

(1) At any time, after a Government servant has completed 15 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned Government servant to retire in public interest after following the procedure laid down by the Government in Department of Personnel/Administrative Reforms Department. In case of such retirement, the Government servant shall be entitled to retiring pension.

(2) In such a case, the appointing authority shall give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months pay and allowances in lieu of such notice.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

(4) In such a case, the compulsorily retired employee may represent against the order of compulsory retirement within a

period of 30 days to :-

1. the H.E. the Governor : For employees of State Services
2. the Committee of Secretary, Department of Personnel and one other Secretary to Government to be nominated by Chief Secretary in each case. : For employees other than State Services

Provided that before deciding the representation, comments of the appointing authority shall be obtained.

(5) In case it is decided to re-instate a prematurely retired Government servant in service after considering his representation, the authority shall pass order regarding the period intervening between the date of premature retirement and the date of re-instatement/ age of superannuation, as the case may be.

53A. Compulsory retirement of a Government servant who has more than three children :-

(1) Notwithstanding anything contained in these rules appointing authority shall have right to retire a Government servant in public interest, if he/she has more than three children on or after 1st June, 2002 and in such cases Government servant shall be entitled to proportionate pension and/or service gratuity, as the case may be:

Provided that where a Government servant has only two children from the earlier delivery(ies) but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

Provided further that the provisions of this rule shall not be applicable to a Government servant who has more than three children so long as the number of children he/she has on 31st May, 2002 does not increase."

(2) In such a case, the appointing authority shall retire the Government servant after giving him/her three months notice.

(3) If the order of retirement could not be served to the Government servant within 15 days from the date of its issue, the appointing authority shall publish the order of such retirement in Rajasthan Rajpatra and the Government servant shall be deemed to have retired on such publication.

A- (ii) AMOUNT OF PENSION

54. Amount of pension :-

The amount of superannuation, retiring, invalid and compensation

pension and service gratuity shall be as follows :-

(1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half months emoluments for every completed six monthly period of qualifying service.

(2) (a) In the case of a Government servant retiring 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 calculated at "fifty percent of the emoluments subject to maximum upto fifty percent of highest pay in the Government [(the highest pay in the Government is Rs. 24,850/- since 1.7.1996)]" as defined under rule 45 of R.C.S. (Pension) Rules, 1996, which the Government servant was receiving immediately before the date of retirement.

(b) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirtythree years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than "rupees one thousand two hundred seventy five per mensem";

(c) Notwithstanding anything contained in clause (a) and clause (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub rule (i) to rule 62.

(3) In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one-half 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 rupee.

B - RETIREMENT / DEATH GRATUITY

55. Retirement/Death Gratuity :-

(1) (a) A Government servant, who has completed five years qualifying service and has become eligible for service gratuity or pension under Rule 54 shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16 1/2 times the emoluments.

(b) If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub rule (1) of rule 56 at the rates given in the Table below, namely :-

TABLE

Length of qualifying service Rate of death gratuity

(i) Less than 1 year 2 times of emoluments (ii) One year or more but less than 5 years 6 times of emoluments (iii) 5 years or more but less than 20 years 12 times of emoluments (iv) 20 years or more Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed "3.5 lacs rupees":

Provided further that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(2) If a Government servant, 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 as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension, together with the 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 emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub rule (1) Rule 56.

(3) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 45.

(4) For the purpose of this rule and rules 56, 58 and 59 family in relation to a Government servant, means -

(i) wife or wives including judicially separated wife or wives in the case of a male Government servant,

(ii) husband, including judicially separated husband in the case of a female Government servant,

(iii) sons including stepsons and adopted sons,

(iv) unmarried daughters including step daughters and adopted daughters,

(v) widowed daughters including step daughters and adopted daughters,

(vi) father, including adoptive parents in the case of individuals whose personal law

(vii) mother, permits adoption,

- (viii) brothers below the age of eighteen years including step brothers,
- (ix) unmarried sisters & widowed sisters including step sisters,
- (x) married daughters, and
- (xi) children of a predeceased son.

56. Persons to whom gratuity is payable :-

(1) (a) The gratuity payable under rule 55 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Rule 59.

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

(i) if there are one or more surviving members of the family as in clause (i), (ii), (iii) and (iv) of sub rule (4) of rule 55, to all such members in equal shares;

(ii) if there are no such surviving members of the family as in sub clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub rule (4) of rule 55 to all such members in equal shares.

(2) If a Government servant dies after retirement without receiving the gratuity admissible under sub rule (1) of rule 55, the gratuity shall be disbursed to the family in the manner indicated in sub rule (1).

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

(4) Where gratuity is granted under Rule 55 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

57. Debarring a person from receiving gratuity :-

(1) If a person who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of Rule 56 is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned -

(a) is convicted for the murder or abetting in the murder of the Government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(b) is acquitted of the charge of murdering or abetting in the murder of the Government servant, his share of gratuity shall be payable to him.

(3) The provisions of sub rule (1) and sub rule (2) shall also apply to the undisbursed gratuity referred to in sub rule (2) of rule 56.

58. Lapse of retirement gratuity/death gratuity :-

Where a Government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and -

(a) has made no nomination, or

(b) the nomination made by him does not subsist, the amount of retirement gratuity/death gratuity payable in respect of such Government servant under rule 55 shall lapse to the Government:

Provided that the Government may grant the gratuity to any person who was dependent on the deceased Government servant of support, if such a course is considered justified on compassionate grounds.

Provided further that the amount of death gratuity/retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.

59. Nominations :-

(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or Form 2 as the case may be, conferring on one or more persons the right to receive the retirement gratuity/death gratuity payable under rule 55. Provided that if at the time of making the nomination -

(i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family; or

(ii) the Government servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a Government servant 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 servant may provide in the nomination -

(i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant 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 servant 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:

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not;

(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 servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to clause (i) of sub rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the Head of Office:

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

(6) 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 servant 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.

(7) (a) Every nomination made including every notice of cancellation, if any, given by a Government servant under this rule, shall be sent to the Head of Office.

(b) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody: Provided that the Head of Office may authorise his subordinate Gazetted Officers to countersign nomination forms of non-gazetted Government servants.

(c) Suitable entry regarding receipt of nomination shall be made in the service book of the Government servant concerned.

(8) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.

C. FAMILY PENSION RULES

60. Applicability :-

The provisions of these rules shall apply to all Government servants on pensionable establishment, whether temporary or permanent, who are in service on the 1st day of October, 1996, or who enter service on or after that date, but shall not apply to -

- (a) persons paid from contingencies;
- (b) work charged staff;
- (c) casual labour; and
- (d) persons appointed on contract.

61. Admissibility of pension :-

Family pension on the rates specified in Rule 62 shall be granted, under these rules, to the family of a government servant who dies on or after the 1st October, 1996 -

(a) While in service, after completion of one year of continuous service, provided that in the following cases, the condition of one years service will not be applicable:

- (i) Persons appointed as probationers against permanent posts,
- (ii) Persons recruited, through Rajasthan Public Service Commission for appointment on temporary posts within their purview,
- (iii) Persons recruited strictly in accordance with service rules in case of temporary posts outside the purview of the Rajasthan Public Service Commission .

62. Amount of family pension :-

"(i) Family pension shall be admissible @ 30% of 2 "emoluments" subject to a minimum of Rs.1275/- per month and maximum of 30% of the highest pay in Government 3 [(the highest pay in the

Government is Rs.24,850/- since 1.7.1996)]."

(ii) (a) Where a Government servant who is not governed by the Workmens Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family pension payable shall be at 50% of the emoluments last drawn or twice the amount of family pension admissible under sub rule (i) whichever is less.

(b) Where a Government servant who is governed by the Workmens Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family of such a Government servant shall also be entitled to the family pension equal to 50% of the pay last drawn or one and a half times the family pension admissible under sub rule (i), whichever is less:

Provided that where compensation is not payable to a Government servant under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Director, Pension Department, Rajasthan to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and in such a case the family of such a Government servant shall be entitled to family pension as admissible in sub rule (ii) (a).

(iii) The amount of family pension at enhanced rates under sub rule (ii) in respect of Government servants who retired/retire on or after 1st October, 1996 or died/die while in service on or after 1st October, 1996, shall be payable:-

(a) in the event of death of a Government servant while in service for a period of seven years following the date of death or till the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever period is shorter;

(b) Where a Government servant who is governed by the Workmens Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family of such a Government servant shall also be entitled to the family pension equal to 50% of the pay last drawn or one and a half times the family pension admissible under sub rule (i), whichever is less:

Provided that where compensation is not payable to a Government servant under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Director, Pension Department, Rajasthan to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act

and in such a case the family of such a Government servant shall be entitled to family pension as admissible in sub rule (ii) (a).

(iii) The amount of family pension at enhanced rates under sub rule (ii) in respect of Government servants who retired/retire on or after 1st October, 1996 or died/die while in service on or after 1st October, 1996, shall be payable:-

(a) in the event of death of a Government servant while in service for a period of seven years following the date of death or till the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever period is shorter;

(b) in the event of death after retirement, the family pension at the enhanced rates indicated in clause (ii) shall be payable till the date on which the deceased government servant would have attained the age of 65 years, had he survived, or for seven years, whichever period is shorter, but in no case the amount of family pension shall exceed the pension sanctioned to the Government servant at the time of retirement. However, in cases where the amount of family pension as admissible under sub rule (i) exceeds the pension sanctioned at the time of retirement, the amount of family pension sanctioned under this clause shall be the amount of family pension admissible under sub rule (i). The pension sanctioned at the time of retirement shall be the pension inclusive of the part of pension which the retired Government servant may have commuted before death; and

(c) after the expiry of the period referred to in clause (a) and (b) above, the pension payable will be at rates laid down in sub rule (i).

"(iv) Notwithstanding anything contained in clause (ii) and (iii), the amount of family pension in the case of parent shall be as admissible in clause (i)."

63. Family Pension not admissible on award of extra ordinary pension :-

Where an award under the extra ordinary pension rules is admissible, no family pension under these rules shall be authorised.

64. Regulation of family pension to the family of a re-employed military pensioner :-

A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for

the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force instructions and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension already authorised under the aforesaid Army/Navy/Air Force instruction, be governed as follows:-

(i) if he dies while holding a civil post, his family shall be allowed family pension under these rules or the family pension authorised at the time of retirement or discharge from the Military service, whichever is more advantageous to the family;

(ii) if he retires from the civil re-employment without earning any pension therefor, his family shall be entitled to family pension as authorised at the time of his retirement/discharge from military service;

(iii) if he retires from civil re-employment after becoming eligible for pension therefor, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under these rules or to avail of family pension benefits as authorised at the time of his retirement/discharge from military service and the said option once exercised shall be final, and irrevocable.

65. Family pension not to be granted to a person in receipt of or eligible for the same from other sources :-

Family pension admissible under these rules shall not be granted to a person who is already in receipt of Family Pension or is eligible therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or/a State Government: Provided that a person who is otherwise eligible for family pension under these rules may opt to receive family pension under these rules if he forgoes family pension admissible from any other source.

66. Definitions :-

(1) Family for the purpose of these rules will include the following relations of the Government servant:-

(a) wife, in the case of a male Government servant and husband, in the case of a female Government servant;

(b) a judicially separated wife or husband, such separation not being granted on the ground of adultery;

(c) son / daughter including widows/divorced daughter till he/she

attained the age of 25 years or on earning a monthly income exceeding Rs.2550/- or upto the date of his/her marriage/re-marriage, whichever is earlier. The term son/ daughter shall also include son/daughter adopted legally and posthumous child of a Government servant.

(d) parents who were wholly dependant upon the Government servant when he/ she was alive provided the deceased employee had left behind neither a widow nor a child and the income of parent is not more than Rs.2550/- per month."

(2) Emoluments means emoluments as defined in Rule 45 of Rajasthan Civil Services (Pension) Rules, 1996, which the deceased Government servant was drawing on the date of his death while in service or immediately before his retirement; if on the date of his death while in service or immediately before his retirement such Government servant has been absent from duty on leave (including extraordinary leave) or suspension, emoluments means the emoluments which he drew immediately before proceeding on such leave or suspension.

67. Condition of grant :-

The family pension shall be admissible to -

(a) a widow/widower, up to the date of death or remarriage, whichever is earlier;

"(b) unmarried son till he attains the age of twenty five years or on earning a monthly income exceeding Rs.2550/-.

(c) daughter including widowed/divorced daughter till she attains the age of 25 years or on earning a monthly income exceeding Rs.2550/- per month or upto the date of her marriage/re-marriage, whichever is earlier.

(d) parents who were wholly dependent upon the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child and the income of parent is not more than Rs.2550/-." Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind or is physically crippled or disabled 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, -

(i) If there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the

family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible;

(ii) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning livelihood evidenced by a certificate obtained from a medical officer not below the rank of Chief Medical & Health Officer/Medical Jurist setting out, as far as possible, the exact mental or physical incapacity; and

(iii) the person receiving the family pension as natural/legal guardian of such son or daughter or such son or daughter not receiving the family pension through the guardian, shall produce every three years a certificate from a medical officer not below the rank of Chief Medical & Health Officer/Medical Jurist to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

68. Order of Allotment :-

(a) (i) Where the family pension is payable to more widows than one, the family pension shall be paid in equal shares.

(ii) On the death of a widow, her share of the family pension shall become payable to her eligible child: Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

(b) Where the deceased Government servant 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 servant or pensioner.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares or if there is only one widow or child, in full, to such widow or child.

(c) Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives the eligible child or children shall be

entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had she not been so divorced.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares or if there is only one widow or child, in full, to such widow or child.

(d) Where the family pension is payable to twin children it shall be paid to such children in equal shares:

Provided that when one such child ceases to be eligible his/her share shall revert to the other child and when both of them ceases to be eligible the family pension shall be payable to the next eligible single child/twin children.

1"(e) Where the family pension is payable to parent it shall be paid first to the mother and after her death it shall be payable to the father."

69. Family pension not payable to more than one member at the same time :-

(i) Except as provided in rule 68, the family pension shall not be payable to more than one member of the family at the same time.

(ii) If a deceased Government servant 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.

(iii) Family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension:

70. Family pension to be given to the eldest eligible child :-

Where a deceased Government servant or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (b) or clause (c) of rule 67, as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

71. Payment of family pension to the guardian on behalf of minor :-

Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

72. Regulation of pension in case both wife and husband are Government servants :-

In case both wife and husband are Government servants and are governed by the provisions of these rules 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 the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely: -

(a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in rule 62(ii) the amount of both the pensions shall be limited to twelve thousand four hundred and twenty five rupees per mensem;

(ii) if one of the family pensions ceases to be payable at the rate mentioned in rule 62(ii) and in lieu thereof the pension at the rate mentioned in rule 62(i) becomes payable, the amount of both the pensions shall also be limited to twelve thousand four hundred and twenty five rupees per mensem;

(b) if both the family pensions are payable at the rates mentioned in rule 62(i) the amount of two pensions shall be limited to seven thousand four hundred and fifty five rupees per mensem."

73. Suspension of family pension if the recipient is charged with the offence of murdering the Government servant, etc :-

(a) If a person, who in the event of death of a Government servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offense, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a), the person concerned -

(i) is convicted for the murder or abetting in the murder of the Government servant, such a person shall be debarred from

receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the Government servant,

(ii) is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such a person from the date of death of the Government servant.

(c) The provisions of clause (a) and clause (b) shall also apply to the family pension becoming payable on the death of a Government servant after his retirement.

74. Communication of Details of family by the Govt. servant :-

(a) (i) As soon as a Government servant enters Government service, he shall give details of his family in Form 3 to the Head of Office.

(ii) If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family.

(b) The Government servant shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his female child.

(c) As and when the disability referred to in proviso to Rule 67 manifests itself in a child which makes him/her unable to earn his/her living, the fact should be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Officer, not below the rank of a Civil Surgeon. This may be indicated in Form 3 by the Head of Office. As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh medical certificate from a Medical Officer, not below the rank of Civil Surgeon, that the child still suffers from the disability.

(d) (i) The Head of Office shall, on receipt of the said Form 3, countersign the same and get it pasted on the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.

(ii) The Head of Office on receipt of communication from the Government servant regarding any change in the size of family shall have such a change incorporated in Form 3.

75. Ex-gratia grant to the family of a Government servant who dies while on duty in certain circumstances :-

(1) Subject to the provisions of this Chapter except as otherwise provided, an ex-gratia grant shall be admissible under sub rule (2) to the family of a Government servant who dies while on duty in one of the following circumstances :

- (a) outside his normal headquarter,
- (b) in an accident,
- (c) due to injury intentionally inflicted or caused in consequence of the due performance of his official duties,
- (d) due to injury intentionally inflicted or caused in consequence of his official position, and
- (e) by violence attributable to causes relative to his service,
- (f) while on duty, at own headquarter or outside headquarter, in connection with special assignments like "Election duty", "Census work" and/or such other assignments which do not fall within normal duties of the post held.

"(2) (a) The amount of ex-gratia grant, when the Government servant dies under the circumstance mentioned in clause (a) of sub rule (1) shall be as follows: -

Emoluments of Government servant Amount of ex-gratia grant (i) Upto Rs.4500/- Rs.12,500/- (ii) Above Rs.4500/- but below Rs. 9000/- Rs.20,000/- (iii) Rs. 9000/- and above Rs.25,000/-

(b) The amount of ex-gratia grant, when the Government servant dies under any of the circumstances mentioned in clause (b) to (f) of sub rule (1) shall be as follows: -

Emoluments of Government servant Amount of ex-gratia grant (i) Upto Rs.4500/- Rs.60,000/- (ii) Above Rs.4500/- but below Rs. 9000/- Rs.90,000/- (iii) Rs. 9000/- and above Rs.1,25,000/-

Provided that the amount of ex-gratia grant when the Government servant dies while on duty, at own headquarter or outside headquarter in connection with Election duty would be Rs.1,25,000/- irrespective of the emoluments of the Government servant."

(3) The amount of ex-gratia grant under sub rule (2) shall be granted by the Head of Department to the member of the family who has been granted family pension under these rules after satisfying the following conditions :

(i) It is clearly established on record and certified in the sanction that the death of the Government servant has taken place while on duty and this fact is not subject to any dispute.

(ii) In the case of death in accident while on duty, the death has either taken place on the spot of the accident or during the course of treatment of injuries caused in such an accident prior to being

declared fit by the authorised medical attendant for resumption of duty.

Note: Accident means sudden and unavoidable mishap or a mishap due to an act of devotion to duty.

(iii) In the case of death of a Government servant on duty by violence attributable to service, means death as a result of encounter with criminals or in the course of confrontation with mob or crowds of an unlawful assembly during agitation, riot or civil commotion or communal disturbances etc.

(iv) The death of a Government servant in other than the circumstances mentioned in sub rule (1) shall not be treated as death on duty for this purpose.

(4) An application for ex-gratia grant under this rule shall be made by the member of his/her family who is entitled for grant of family pension in Form 17 within a period of one year from the date of death failing which the same shall not be entertained by the Head of the Department.

1"(5) Notwithstanding anything contained in sub-rule (3) and subject to the provisions of sub-rule (4), in the case of death of a Government servant, while on "election duty", the Collector of the District shall also be competent to grant ex-gratia."

76. Ex-gratia grant to the family of a Police/Civil Defence & Home Guard personnel who die due to injury intentionally inflicted while on duty by a terrorist :-

(1) Subject to the provisions of this Chapter, except as otherwise provided, an exgratia grant of 1"Rs.1,25,000" shall be admissible to the family of Police/Civil Defence & Home Guard personnel of any rank who dies due to injury intentionally inflicted while on duty by a terrorist. The expression terrorist shall have meaning as defined in Section 2(1)(h) of the Terrorist and Disruptive Activities (Prevention) Act, 1987. The ex-gratia grant shall be admissible in addition to other death-cum-retirement benefits available under these rules. However, in a case where ex-gratia is granted under this rule, no ex-gratia shall be admissible under Rule 75.

(2) For the purpose of this rule, injury intentionally inflicted in consequence of official position of the Police/Civil Defence & Home Guard personnel shall be treated as injury intentionally inflicted while on duty.

(3) The amount of ex-gratia grant under sub rule (1) shall be granted by the Secretary to the Government of Rajasthan, Home

Department to the member of the family who has been granted Family Pension under these rules, after satisfying the following conditions :-

(i) It is clearly established on record and certified in the sanction that the death of this Police/Civil Defence & Home Guard Personnel has taken place due to injury intentionally inflicted while on duty and this fact is not subject to any dispute.

(ii) No ex-gratia has been granted under Rule 75.

(4) An application for ex-gratia grant shall be made by the member of his/her family who is entitled for grant of family pension in the prescribed form 17 within a period of one year from the date of death to the Director General of Police/the Director, Civil Defence & Commandant General, Home Guard, as the case may be, failing which the same shall not be entertained.

(5) The provisions of this rule shall also be applicable subject to the conditions laid therein to Forestry Personnel, who dies while on duty in attack by the poachers, and shall be sanctioned by the Secretary to Government, Forest Department, on application made to the Principal Chief Conservator of Forest.

D - DEARNESS RELIEF ON PENSION/FAMILY PENSION

77. Dearness Relief on Pension/Family Pension :-

(i) Relief against price rise may be granted to the pensioners and family pensioners in the form of Dearness Relief at such rates and subject to such conditions as the Government may specify from time to time.

(ii) The payment of Dearness Relief will remain suspended when the pensioner (including family pensioner) is employed/ re-employed in a Central/State Government Department or employed/re-employed/permanently absorbed in a Central or a State Government Company, Corporation, Undertaking or autonomous body/statutory body, local body, cooperative society, institution etc. if it is wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or receiving Grant-in-Aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in a Public Sector Bank or in GIC/LIC etc.

(iii) Dearness Relief on family pension shall remain suspended during the period of re-employment or employment of the pensioner, either before grant of pension or after grant of pension.

(iv) The State Government employees who get permanently

absorbed in terms of rule 33 and opt for lump sum payment in lieu of pro rata monthly pension in terms of rule 34, shall not be eligible for dearness relief.

(v) In the case of pensioners who are in receipt of more than one pension, (including family pension) the Dearness Relief will be calculated on the total of all pensions taken together.

Operative portion of judgement pronounced on 8.12.94 in Civil Appeal No.3542-46/90 by Supreme Court of India in Union of India & Others versus G.Vasudavan Pillai & Others is reproduced below :-

"Denial of Dearness Relief on pension/family pension in cases of those exservicemen who got re-employment or whose dependents got employment is legal and just. The decision to reduce enhanced pension from pay of those ex-servicemen who were holding civil post on 1.1.1986 following their re-employment is unconstitutional."

E- INTERIM RELIEF ON PENSION/FAMILY PENSION

77A. Interim Relief on pension/family pension :-

Interim Relief on pension/family pension shall be admissible at the rate and subject to the terms & conditions in Appendix XII.

CHAPTER 6 DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

78. Preparation of list of Government servants due for retirement :-

(1) Every Head of Department shall have a list prepared every six months, that is, on the 1st January, and the 1st July each year of all Government servants who are due to retire within the next 24 to 30 months of that date.

(2) A copy of every such list shall be supplied to the Director, Pension Department, Rajasthan, not later than 31st January or the 31st July, as the case may be, of that year.

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of Office shall promptly inform the Director, Pension Department, Rajasthan, as soon as the fact of such retirement becomes known to him.

(4) A copy of the intimation sent by the Head of Office to the Director, Pension Department, Rajasthan, under sub rule (3) shall also be endorsed to the Director Estates, Jaipur and concerned Executive Engineer, Public Works Department if the Government

servant concerned is an allottee of Government accommodation.

79. Intimation to the Directorate of Estates/Public Works Department regarding issue of "No Demand Certificate" :-

(1) The Head of Office shall alongwith applications from the individuals concerned, on prescribed Form 27, write to the Director of Estates, Jaipur, at least two years before the anticipated date of retirement of the Government servant who is in occupation of a Government accommodation, (hereinafter referred to as allottee) for the issue of a "No Demand Certificate" in respect of the period preceding eight months of the retirement of the allottee with a copy to the Executive Engineer of the concerned Division.

(2) On receipt of the intimation under sub rule (1), the Director Estates/Executive Engineer, Public Works Department, shall take further action as provided in Rule 93.

(3) Government servants due for retirement and included in the list prepared under Rule 78, who are not in occupation of any Government accommodation or have not taken any furniture article from PWD stores on rent, shall declare accordingly in Form 27A.

(4) Copy of Form 27 or Form 27A, as the case may be, will be attached with Form 7 - form for assessing pension and gratuity.

80. Preparation of Pension papers :-

Every Head of Office shall undertake the work of preparation of pension papers in Form 7 two years before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement whichever is earlier.

81. Stages for the completion of pension papers :-

(1) The Head of Office shall divide the period of preparatory work of two years referred to in Rule 80 in the following three stages :-

(a) First Stage - I. Verification of service:

(i) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

(ii) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquittance rolls or other

relevant records and record necessary certificates in the service book.

(iii) If the service for any period is not capable of being verified in the manner specified in sub clause (i) and sub clause (ii), that period of service having been rendered by the Government servant in another office or Department, a reference shall be made to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification.

(iv) In respect of that unverified portion of service for which entries regulating the rate of pay, grant of annual increment, pay fixation, details of periods of leave etc. are available, he shall verify the same on the basis of the above details and record the same in the Service Book.

(v) In respect of work charged employees appointed to regular posts, he shall check that the option for pension given by him and accepted by the competent authority has been pasted in the Service Book and that the entries exist in the service books for deposit of employers share of Contributory Provident Fund into the Government Account.

(vi) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub clause (i) or sub clause (ii) or sub clause (iii), or sub clause(iv), the Government servant shall be asked to file a written statement in Form 9 on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish.

(vii) The Head of Office shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant, and issue order in Form 9A and make an entry in the service book of the Government servant.

Note:- In case of loss of service book, attention is invited to Rule 160 of Rajasthan Service Rules and action be taken accordingly.

II. Assessment of long term dues:

(viii) In respect of Government servants, who have taken long term advances like House Building Advance, Conveyance Advance etc., he shall correspond with the concerned Treasury Officer as

indicated in the procedure below rule 94. He will also refer to the entries of long term advances made in the service book of the Government servants for assessing the final dues. He will also ask the Government servant to declare the details of long term advances taken by him.

III. Finalisation of pending fixation cases:

(ix) If fixation of pay in various Pay Scale Rules is outstanding, the Head of Office will get them expeditiously finalised.

(b) Second Stage - Making good omission in the service book and completion of other formalities.

(i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.

(ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub clause (i) of this clause. 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 clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(iii) Determination of emoluments - For the purpose of calculation of emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn by the Government servant immediately before his retirement.

(iv) In case of officiating appointment, the Head of Office will record a certificate in the Service Book that the appointment to the higher post has not been made in the leave vacancy or to hold charge temporarily in addition to the duties of his own post, as provided in Rule 45 (Note 3) of R.C.S. (Pension) Rules, 1996.

(v) The Head Of Office will obtain a certificate in the Service Book from the senior accounts personnel in the office that all the fixations of the Government servant made from time to time are correct and that the last pay on which pension case is to be prepared has been arrived at correctly.

(vi) To ensure that any alteration in the date of birth recorded in the Service Book bears the approval of the competent authority; and to ensure that the date of birth has not been changed/altered in the Service Book after 31.12.1978;

(vii) If the Government servant was on foreign service or

deputation, whether pension contribution has been received from the borrowing authority and entry to this effect has been made in the Service Book or other records. The Head of Office shall identify omissions etc. and rectify the same after reference to relevant records or offices. Provisions contained in Government of Rajasthan's Decision below Rule 88 of RCS (Pension) Rules, 1996, shall also be taken into consideration for this purpose.

(c) Third Stage - Obtaining Form 5 by the Head of Office - Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant.

(2) Action under clauses (a), (b) and (c) of sub rule (1) shall be completed eight months prior to the date of retirement of the Government servant.

82. Completion of pension papers :-

The Head of Office shall complete Part I of Form 7 not later than six months of the date of retirement of the Government servant. He will also issue a tentative L.P.C. in Form 31 for attaching with Form 7.

83. Forwarding of pension papers to Director, Pension Department :-

(1) After complying with the requirement of Rules 81 and 82, the Head of Office shall forward to the Director, Pension Department, Rajasthan, Form 5 and Form 7 duly completed with a covering letter in Form 8 along with service book of the Government servant duly completed, upto-date, and any other document relied upon for the verification of service.

(2) The Head of Office shall retain a copy of each of the Forms referred to in sub rule (1) for his records.

(3) Where the payment is desired in another circle of accounting unit, the Head of Office shall send Form 7 in duplicate to the Director, Pension Department, Rajasthan.

(4) The papers referred to in sub rule (1) shall be forwarded to the Director, Pension Department, Rajasthan, not later than six months before the date of retirement of Government servant.

(5) A copy of the Privilege Leave account shall be retained in the office, duly attested, for grant of encashment benefits, if applied for by the retiring government servant, at the time of retirement.

84. Intimation to the Director, Pension Department, regarding any event having bearing on pension :-

(1) If after the pension papers have been forwarded to the Director, Pension Department, Rajasthan, within the period specified in sub rule (4) of Rule 83, any event occurs which has a bearing on the amount of pension admissible, or on the data contained in tentative Last Pay Certificate, the fact shall be promptly reported to the Director, Pension Department, Rajasthan, by the Head of Office.

(2) If no intimation regarding any event from the date of forwarding pension papers to the Director, Pension Department to the date of actual retirement, having a bearing on the amount of pension, is received by the Director, Pension Department, Rajasthan, he may presume that -

(i) the service in between the period from the date of forwarding of pension papers to the actual date of retirement, has been rendered, verified and accepted as qualifying service counting for pension;

(ii) the dues of the Government recoverable from the retiring Government servant already intimated to him under rule 85 and/or shown in tentative L.P.C. are final; and

(iii) no departmental enquiry has been initiated against the employee, after forwarding of the pension papers to his Department.

Note:- The Head of Office while intimating Director Pension regarding any event having a bearing on the amount of pension, in case Pension Payment Order/ Gratuity Payment Order has already been issued, shall ensure delivery of the same to the concerned pension disbursing authority also.

(3) On receipt of any intimation by the Director, Pension Department, under rule 84(1), the Director, Pension Department, Rajasthan, shall -

(i) if the Pension Payment Order/Gratuity Payment Order has been issued, stop the payment of the amount authorised and revise/amend the P.P.O./G.P.O.;

(ii) if the Pension Payment Order/Gratuity Payment Order has not been issued, he will revise the particulars accordingly and take further steps in the light of the revised particulars.

85. Intimation of the particulars of Government dues to the Director Pension Department, Rajasthan :-

(1) The Head of Office after ascertaining and assessing the Government dues as in Rule 92, shall furnish the particulars thereof to the Director, Pension Department, at least two months before the date of retirement of a Government servant so that the dues are recovered out of the gratuity before its payment is authorised.

(2) If, after the particulars of Government dues have been intimated to the Director, Pension Department under sub rule (1), any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to the Director, Pension Department.

86. Provisional Pension :-

(1) The various stages of action laid down in Rule 81 shall be strictly followed by the Head of Office. There may be an isolated case where, inspite of following the procedure laid down in Rule 81, it may not be possible for the Head of Office to forward the pension papers referred to in Rule 83 to the Director, Pension Department within the period prescribed in sub rule (4) of that rule or where the pension papers have been forwarded to the Director, Pension Department, within the prescribed period but the Director, Pension Department, Rajasthan, may have returned the pension papers to the Head of Office for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the Head of Office in such a case is of the opinion that the Government servant 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 delay, take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose, he shall -

(i) rely upon such information as may be available in the official records, and

(ii) ask the retiring Government servant to file a written statement on plain paper stating the total length of qualifying service including details of emoluments last drawn but excluding the breaks and other non qualifying periods of service.

(2) The Government servant while furnishing the statement as in clause (ii) of sub rule (1) shall, at the foot of the statement make and subscribe to a declaration as to the truth of the statement.

(3) The Head of Office shall thereafter determine the qualifying

years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring Government servant under sub rule (1). He shall, then determine the amount of provisional pension and the amount of provisional retirement gratuity.

(4) After the amount of pension and gratuity have been determined under sub rule (3), the Head of Office shall take further action as follows :-

(a) He shall issue a sanction in form 33 addressed to the Director, Pension Department, Rajasthan, authorising -

(i) 100% (percent) of pension as determined under sub rule (3) as provisional pension which shall remain valid till the pension case is finalised by the Director, Pension Department.

(ii) 75 percent of the gratuity as provisional gratuity as determined under sub rule (3) if no amount of House Building Advance has been set apart for recovery out of Retirement/Death gratuity at the time of grant of HBA, otherwise not exceeding 20 percent of the gratuity as provisional gratuity.

(b) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub rule (1) of Rule 85. Special care shall be taken for recovery of the amount set apart for adjustment from the retirement gratuity.

(c) On receipt of sanction of provisional pension from the Head of Office, the Director, Pension Department shall issue provisional Pension Payment Order and Gratuity Payment Order within a week positively.

(5) The amount of provisional pension and gratuity payable under sub rule (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.

(6) (a) When the amount of final pension and the amount of final gratuity had been determined by the Head of Office the Director, Pension Department, Rajasthan, shall -

(i) issue the Pension Payment Order,

(ii) issue the Gratuity Payment Order authorising disbursement of the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub clause (ii) of clause (b) of sub rule (4) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity.

(b) If the amount of provisional pension disbursed to a Government servant under sub rule (4) is, on its final assessment found to be in excess of the final pension assessed by the Director, Pension

Department, Rajasthan, it shall be open to the Director, Pension Department to adjust the excess amount of pension out of gratuity withheld under sub clause (ii) of clause (a) of sub rule (4) or recover the excess amount of pension in instalments by making short payment of the pension payable in future.

(c) If the amount of provisional gratuity granted and disbursed to a Government servant is found to be in excess of final gratuity assessed by the Director, Pension Department, he shall be called upon to refund such excess in the manner and subject to the conditions specified in rule 91.

87. Authorisation of Pension and Gratuity by Director, Pension Department :-

(1) (a) On receipt of pension papers referred to in Rule 83, the Director Pension Department, Rajasthan, shall apply the requisite checks, record the account encasement in Part II of Form 7 and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the Government servant if the pension is payable in his circle of accounting unit.

(b) If the pension is payable in another circle of accounting unit, the Director, Pension Department, Rajasthan, shall send the pension payment order alongwith a copy of Form 7 and the accounts encasement to the Accounts Officer of that unit for arranging payment, through the Accountant General, Rajasthan.

(2) The amount of gratuity as determined by the Director, Pension Department, Rajasthan, shall be authorised by him by issue of a Gratuity Payment Order on the Treasury/Pension Payment Office, after adjusting the Government dues, if any, referred to in Rule 92.

(3) The Director, Pension Department, Rajasthan, shall adjust the amount of provisional pension and the amount of provisional gratuity, if any, paid.

(4) The amount of gratuity withheld under sub rule (5) of Rule 93, shall be adjusted by the Director, Pension Department against the outstanding rent intimated by the Directorate of Estates/Public Works Department and the balance, if any, refunded to the retired Government servant.

(5) A copy of the Pension Payment Order and/or Gratuity Payment Order shall also be endorsed to the concerned pensioner.

(6) The Director, Pension Department, Rajasthan, shall inform the Head of Office immediately about the issue of the -

- (i) Pension Payment Order;
 - (ii) Gratuity Payment Order; and
 - (iii) Balance of the Gratuity Payment Order; and return the pension papers to him which are no longer necessary.
- (7) The Director, Pension Department, Rajasthan, shall record briefly in the Part II of Form 7 his reasons for disallowing any service claimed or any other disallowance.

88. Government servant on foreign service :-

In the case of a Government servant who retires from service while on foreign service, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the authority which sanctioned deputation to foreign service.

89. Interest on delayed payment of retiral benefits :-

(1) If the payment of retiral benefits has been authorised after 60 days from the date when its payment became due, and it is established that the delay in payment was not on account of failure on the part of the Government servant in compliance of the procedure laid down in this chapter or elsewhere in these rules, interest @ 9% per annum from the date retiral benefits become due would be payable till the end of the month preceeding the month in which the retiral benefits are authorised.]"

(2) Every case of delayed payment of retiral benefits shall, suo moto, be examined by the Head of Office and shall be forwarded to the Administrative Department through the Head of the Department, and where the Administrative Department is satisfied that the delay in the payment of retiral benefits was caused on account of administrative lapse or inaction, the Administrative Department concerned shall issue sanction for the payment of interest to the Director, Pension Department.

(3) In all cases, where payment of interest has been authorised, the Administrative Department concerned shall fix responsibility and take disciplinary action under the Rajasthan Civil Services (C.C.A.) Rules, 1958 against the Government servant(s) who is/are found responsible for the delay in the payment of retiral benefits and shall recover the loss caused to the Government due to payment of interest to the pensioner from the Government servant(s) held responsible.

(4) In the order for payment of interest, the Administrative Department shall also mention the name(s) of officer(s)/official(s)

responsible for delay and the amount of interest recoverable from him/them.

(5) If as a result of Government's decision taken subsequent to the retirement of a Government servant, the amount of retiral benefits already paid on his retirement is enhanced on account of -

(a) grant of emoluments higher than the emoluments on which retiral benefits, already paid, were determined, or

(b) liberalisation in the provisions of these rules from a date prior, to the date of retirement of the Government servant concerned. No interest on the arrears of retiral benefits shall be paid.

(6) In case any delay is caused in the Pension Department, responsibility shall be fixed for such delay and suitable action taken against such erring official(s) to recover the interest paid to the pensioner.

90. Provisional pension where departmental or judicial proceedings may be pending :-

(1) (a) In respect of a Government servant referred to in sub rule (4) of Rule 7, the Director, Pension Department, Rajasthan, shall authorise the provisional 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 servant, 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.

Provided that in cases where pension case could not be prepared finally for one or the other reason the appointing authority shall sanction provisional pension in Form 33 after following procedure laid down in sub-rule (3) of Rule 86 and send the case to the Director, Pension for issue of Provisional Pension Payment Order till the Departmental Enquiry is finalised.

(b) The provisional pension shall be authorised by the Director, Pension Department, during the period commencing from the date of retirement upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon: Provided that where departmental proceedings have been instituted under Rule 17 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, for imposing any of the

penalties specified in clauses(i) and (ii) of Rule 14 of the said Rules, the payment of gratuity shall be authorised to be paid to the Government servant.

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings 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.

91. Revision of pension after authorisation :-

(1) Subject to the provisions of Rules 6 and 7 pension once authorised after final assessment shall not be revised to the disadvantage of the Government servant, 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 Head of Office without the concurrence of Administrative Department and the Finance Department if the clerical error is detected after a period of two years from the date of authorisation of pension.

(2) For the purpose of sub rule (1), the retired Government servant concerned shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(3) In case the Government servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment, shall be adjusted in instalments by short payment of pension in future, in one or more instalments, as the Head of Office may direct.

92. Recovery and adjustment of Government dues :-

(1) It shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the retirement gratuity becoming payable.

(3) The expression Government dues includes -

(a) dues pertaining to Government accommodation including arrears of rent, if any;

(b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary, dues of his office etc.

93. Adjustment and recovery of dues pertaining to Government accommodation :-

(1) The Director of Estates/concerned Executive Engineer on receipt of intimation from the Head of Office under sub rule (1) of Rule 79 regarding the issue of No Demand Certificate shall scrutinize its records and inform the Head of Office eight months before the date of retirement of the allottee, if any rent was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding rent is received by the Head of Office by the stipulated date, it shall be presumed that no rent was recoverable from the allottee in respect of the period preceding eight months of his retirement provided that the Department had forwarded the application for No Demand Certificate two years in advance and had obtained acknowledgement for the same.

(2) The Head of Office shall ensure that rent for the next eight months, that is up to the date of retirement of the allottee, is recovered every month from the pay and allowances of the allottee.

(3) Where the Directorate of Estates/Public Works Department intimates the amount of rent recoverable in respect of the period mentioned in sub rule (1), the Head of Office shall ensure that outstanding rent is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(4) The Directorate of Estates/Public Works Department shall also inform the Head of Office the amount of rent for the retention of Government accommodation for the permissible period beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that rent from the amount of the gratuity together with the unrecovered rent, if any, mentioned in sub rule (3).

(5) If in any particular case, it is not possible for the Directorate of Estates/Public Works Department to determine the outstanding rent, that Department shall inform the Head of Office that ten per cent of the gratuity or two thousand rupees in respect of non-gazetted and five thousand rupees in respect of gazetted

government servants, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of rent for the occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee shall be the responsibility of the Directorate of Estates/Public Works Department. Any amount becoming due on account of rent for retention of Government accommodation beyond permissible period after retirement and remaining unpaid may be ordered to be recovered by the Directorate of Estates/Public Works Department through the Director, Pension Department, from the Dearness Relief without the consent of the pensioner. In such cases, no Dearness Relief shall be disbursed until full recovery of such dues have been made.

(7) In case a Government accommodation is allotted to a Government servant after forwarding of the list of retiring Government servants to Directorate of Estates/Public Works Department under Rule 79, i.e. within two years of retirement, the allotting authority will ensure raising of regular demand for recovery of rent, to the Head of Office, under whom he is working. The Head of Office would be responsible to make recoveries accordingly. If in any case, the entire dues could not be recovered from the salary bills, the Head of Office shall include those unrecovered dues in the intimation to be sent to the Director, Pension Department, under rule 85.

(8) In case recovery of rent is found / intimated by the Directorate of Estates / PWD after issue of P.P.O. such dues shall be recoverable from the pension / family pension.

94. Adjustment and recovery of dues other than dues pertaining to Government Accommodation :-

(1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub rule (3) of Rule 92, the Head of Office shall take steps to assess the dues two years before the date on which a Government servant is due to retire on superannuation; or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

(2) The assessment of Government dues referred to in sub rule (1) shall be completed by the Head of Office eight months prior to the date of the retirement of the Government servant.

(3) The dues as assessed under sub rule (2) including those which come to notice subsequently and which remain outstanding till the

date of retirement of the Government servant, shall be adjusted against the amount of retirement gratuity becoming payable to the Government servant on his retirement.

B - FAMILY PENSION AND DEATH GRATUITY

95. Obtaining of claims for family pension and death gratuity :-

(1) Where the Head of Office has received an intimation about the death of a Government servant while in service, he shall ascertain whether any death gratuity or family pension or both is or are payable in respect of the deceased Government servant.

(2) (a) Where the family of the deceased Government servant is eligible for the death gratuity under Rule 55, the Head of Office shall ascertain-

(i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and

(ii) if the deceased Government servant 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 Head of Office shall, then, address the person concerned in Form 10 or Form 11, as may be appropriate, for making a claim in Form 12.

(3) Where the family of the deceased Government servant is eligible under Ch. VC for the Family Pension-

(a) the Head of Office shall address the widow or widower in Form 13 for making a claim in Form 14 alongwith necessary documents, and

(b) where the deceased Government servant is survived only by a child or children the guardian of such child or children may submit a claim in Form 14 alongwith necessary documents to the Head of Office: 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.

(4) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the Public Works Department/ Directorate of Estates for the issue of "No Demand Certificate" in accordance with the provisions of subrule (1) of Rule 101.

96. Completion of Form 18 :-

(1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of Rule 95 shall simultaneously undertake the completion of Form 18. The work shall be completed within one month of the date on which intimation regarding the date of death of the Government servant has been received.

(b) The Head of Office shall go through the service book of the deceased Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.

(c) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this purpose the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2) For the purpose of determination of emoluments for family pension and death gratuity, the Head of Office shall verify from the Service Book, the correctness of emoluments drawn by the Government servant immediately before his death. The Head of Office will obtain/record certificates in the Service Book as prescribed in Rule 81 (1) (b) (iii) to (v).

(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the Government servant and the amount of family pension and death gratuity shall also be calculated accordingly.

(4) He will issue a final Last Pay Certificate in Form 31, to be attached with Form-18.

97. Determination of the amount of family pension and gratuity where service records are incomplete :-

If, in any particular case, the service book has not been maintained properly despite the Governments orders on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall not proceed with the verification of the entire spell of service.

The verification of service in such a case shall be confined to the

followed spells of service:-

(a) For the purpose of Family Pension -

(i) If the deceased Government servant on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and the amount of Family Pension, determined under Rules 61 and 62 (i).

(ii) If the deceased Government servant on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments drawn by the Government servant immediately before his death shall be verified and accepted by the Head of Office after obtaining/recording certificates in the service book as prescribed in rule 81 (1) (b) (iii) to (v) and the amount of Family Pension, and the period for which it is payable shall be determined in accordance with the provisions of Rule 62 (ii) and 62 (iii).

(iii) If the deceased Government servant at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provisions of Rules 61 and 62 (i).

(iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of Rule 62 (ii) and (iii).

(v) The determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of the Government servant.

(b) For the purpose of death gratuity -

(i) If the deceased Government servant had on the date of his death rendered more than 5 years of qualifying service but less than 20 years of qualifying service, and the spell of last 5 years has been verified and accepted by the Head of Office under clause (a), the amount of death gratuity shall be equal of 12 times of his emoluments as indicated in Item (iii) of the Table below clause (b) of sub-rule (1) of Rule 55. Where the verified and accepted service is less than 5 years, the amount of death gratuity shall be the

amount as indicated in Item (i) or Item (ii) in the Table below clause (b) of sub-rule (1) of Rule 55, as may be applicable.

(ii) If the deceased Government servant had rendered 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 sub-clause (i), the family of the deceased Government servant shall be allowed, on provisional basis, the death gratuity equal to 12 times of the emoluments. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office 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.

98. Forwarding the papers to the Director, Pension Department :-

(1) On receipt of claim or claims, the Head of Office shall complete items 24, 25, 26, 27 and 28 of Form 18 and send the said Form in original to the Director Pension with a covering letter in Form 19 along with the Government servants service book duly completed up-to-date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.

(2) The Head of Office shall retain one copy of the aforesaid Form 18 for his office record.

(3) If the payment is desired in another circle of accounting unit, Form 18 shall be sent in duplicate to the Director Pension.

(4) The Head of Office shall draw the attention of the Director Pension to the details of Government dues outstanding against the deceased Government servant, namely,-

(a) Government dues as ascertained and assessed in terms of Rule 101 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 the light of the final determination of the gratuity.

(c) The maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten per cent of the amount

of gratuity or rupees one thousand/rupees two thousands, as the case may be, whichever is less.

(5) (a) If Form 18 has been completed and the claim or claims in the respective Forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward Form 18 and the documents referred to in sub-rule (1) to the Director Pension leaving unfilled items 24, 25, 26, 27 and 28 of Part I of the said Form.

(b) As soon as the claim or claims are received by Head of Office, they shall immediately be forwarded to the Director Pension with the request that items 24, 25, 26, 27 and 28 of Part I of Form 18 may be filled by the Director Pension.

99. Sanction, drawal and disbursement of provisional family pension and gratuity :-

(1) On receiving the application along with necessary documents from the family of deceased Government servant, the Head of Office, after most careful summary investigations, issue a sanction in form 33 addressed to the Director Pension indicating the amount of family pension to which the family of the deceased Government servant is entitled to receive under these rules. Provisional Payment of Death Gratuity is not admissible under this sub rule. The amount of provisional family pension can be revised on the basis of assessment made on forwarding of the claim and papers to the Director Pension Department under rule 98.

(2) After the documents referred in rule 98 have been sent to the Director Pension Department, the Head of Office shall sanction provisional family pension not exceeding the maximum family pension and 75% of the gratuity as determined in accordance with the provisions of this Chapter. For this purpose the Head of Office shall adopt the following procedure namely:-

(a) he shall issue a sanction in form 33 addressed to the Director, Pension Department indicating the amount of-

(i) Provisional family pension if no sanction has been issued under sub rule (1),

(ii) Revised provisional family pension in case provisional family pension has been sanctioned under sub rule (1), and

(iii) 75% of the gratuity as provisional gratuity.

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (4) of Rule 98;

(3) On receipt of sanction of provisional Family Pension from the

Head of office, the Director, Pension Department shall issue provisional Pension Payment Order and Gratuity Payment Order within a week positively.

100. Authorisation of final pension and balance of the gratuity by the Director Pension :-

(1) On receipt of the documents referred to in sub-rule (1) of Rule 98, the Director Pension shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete Section I of Part II of Form 18 and assess the amount of family pension and gratuity:

(2) (a) If the family pension is payable in Rajasthan, the Director Pension shall prepare the pension payment order.

(b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

(c) Arrears of family pension, if any, in respect of the period for which provisional family pension was paid shall also be authorised by the Director Pension.

(3) (a) The Director Pension shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant and issue a Gratuity Payment Order on the Treasury/Pension Payment Officer.

(b) The amount of gratuity withheld under clause (v) of sub rule (1) of Rule 101 shall be adjusted by the Director, Pension Department against the outstanding rent mentioned in clause (viii) of sub-rule (1) of Rule 101 and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) The fact of the issue of the Pension Payment Order shall be promptly reported to the Head of Office by the Director Pension and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of provisional family pension is payable in another circle of accounting unit, the Director Pension shall send the Pension Payment Order together with a copy of Form 18, duly completed to the Accounts Officer of that unit for arranging payment through the Accountant General, Rajasthan: Provided that the adjustment of provisional family pension paid shall be made by the Director Pension.

(6) If the amount of provisional family pension is found to be in excess of the final family pension assessed by the Director Pension,

it shall be open to the Director Pension to adjust the excess amount out of the balance amount of gratuity payable or in instalments by short payments of family pension payable in future, irrespective of whether the consent of the pensioner has been obtained or not.

(7) If the amount of provisional death gratuity paid to the family of the deceased Government servant is found to be in excess of final gratuity assessed by the Director Pension, the family shall be called upon to refund such excess in the manner as may be specified by the Director Pension or recover the same from family pension payable in future, irrespective of whether the consent of the pensioner has been obtained or not.

101. Adjustment of Government dues :-

(1) Dues pertaining to Government accommodation-

(i) If on the date of death the Government servant was allottee of Government accommodation, the Head of Office on receipt of intimation regarding the death of the Government servant shall within seven days of the receipt of such intimation, write to the Directorate of Estate/Public Works Department for the issue of No Demand Certificate so that authorisation of family pension and death gratuity is not delayed. While addressing the Directorate of Estate/Public Works Department for the issue of no demand certificate, the Head of Office shall also supply the following information:-

(a) name of the deceased Government servant with designation;

(b) particulars of the accommodation (quarter No., type and locality);

(c) date of death of Government servant;

(d) whether the Government servant was on leave at the time of his death and, if so, the period and nature of leave;

(e) whether the Government servant was enjoying rent-free accommodation;

(f) the period up to which rent had been recovered from the pay and allowances of the deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made;

(g) if the rent had not been recovered up to the date of death and the family intends to retain Government accommodation for the permissible period from the date of death of the Government servant, details of the-

(A) period for which rent still remains to be recovered;

- (B) the amount of rent in respect of the period at (A) to be determined on the basis of the standard rent bill;
- (C) the amount of rent for the retention of Government accommodation by the family of the deceased Government servant for the concessional period beyond the date of death of the Government servant to be determined on the basis of standard bill;
- (D) the amount of rent mentioned at (B) and (C) proposed to be recovered out of death gratuity;
- (E) details of any previous reference from the Directorate of Estate/Public Works Department having bearing on the recovery of rent outstanding against the allottee and action taken thereon.
- (ii) The amount of rent as intimated to the Directorate of Estate / Public Works Department under clause (i), rent shall be recovered from death gratuity.
- (iii) The recovery of rent for the occupation of Government accommodation beyond the permissible period shall be the responsibility of the Directorate of Estate/Public Works Department.
- (iv) The Directorate of Estate/Public Works Department shall scrutinize their records with a view to determine if rent other than the rent referred to in clause (i) was outstanding against deceased Government servant. If any recovery is found, the amount and the periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of three months of the receipt of intimation regarding the death of the Government servant under clause (i).
- (v) Pending receipt of information under clause (iv), ten per cent of the death gratuity or two thousand in respect of Non-gazetted Government servant /five thousands rupees in respect of Gazetted Government servant, whichever is less, shall be withheld.
- (vi) If no intimation is received by the Head of Office within the period prescribed under clause (iv) regarding recovery of rent, it shall be presumed that nothing was recoverable from the deceased Government servant provided that an acknowledgement had been obtained of the intimation sent under clause (i) and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of death gratuity was paid.
- (vii) If the Head of Office has received intimation from the Directorate of Estate/Public Works Department under clause (iv) regarding rent outstanding against the deceased Government servant, the Head of Office, shall verify from the acquittance rolls if the outstanding amount of rent was recovered from the pay and allowances of the deceased Government servant. If as a result of

verification it is found that the amount of rent shown as outstanding by the Directorate of Estate/P.W.D. had already been recovered, the Head of Office shall draw the attention of the Directorate of Estate/P.W.D. to the pay bills under which the necessary recovery of the rent was made and subject to the provisions of sub-rule (2) write to the Director Pension to authorise the release of the amount of the gratuity withheld under clause (v) to the person or persons to whom the death gratuity was paid.

(viii) If the outstanding amount of rent was not recovered from the pay and allowances of the deceased Government servant, the Head of Office shall request the Director Pension that the outstanding amount may be adjusted against the amount of the gratuity withheld under clause (v) and the balance, if any be authorised to be re-paid to the person to whom the amount of death gratuity was paid.

(2) Dues other than those referred to in sub-rule (1)-

The Head of Office shall, within one month of the receipt of intimation regarding death of a Government servant, take steps to ascertain if any dues as referred to in Rule 92 excluding the dues pertaining to the allotment of Government accommodation and balance of House Building Advance were recoverable from the deceased Government servant. Such ascertainable dues shall be recovered from the amount of death gratuity becoming payable to the family of the deceased Government servant.

102. Payment of family pension and death gratuity when a Government servant dies while on deputation :-

In the case of a Government servant who dies while on deputation to other State/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 Head of Office of the cadre authority which sanctioned the deputation of the Government servant.

103. Procedure to be adopted for grant of family pension under provisos to rule 61 of Family Pension Rules :-

(a) The member or members of the family entitled to family pension in case of a missing pensioner or unheared of a Government servant shall apply to the Head of Office as required under provisos to Rule 61 in the prescribed form. Forms of application, indemnity bond and affidavit bear Nos. 15/16,

15A/16A, 15B/16B respectively.

(b) The Head of Office on receipt of an application, in proper form, shall look into the genuineness of the claim, verify the facts, obtain Police investigation report on the F.I.R. from the respective police authority and forward the application for issue of pension payment order of family pension to the Director, Pension Department, Rajasthan, Jaipur.

(c) On receipt of the application form, from the Head of Office, the Director, Pension Department, Rajasthan, shall also examine the application and other documents furnished in support of the claim regarding admissibility and grant of family pension and on being satisfied, he shall issue Pension Payment Order to the member or members of the family for grant of family pension.

104. Endorsement of the family pension entitlement of post retiral spouses in the Pension Payment Order of pensioners

:-

(a) As and when a pensioner marries or remarries after retirement, he shall intimate in the prescribed Form 30 for the event to the Head of Office who processed his pension papers at the time of his retirement. He shall also furnish alongwith his application an attested copy of the marriage certificate from the Registrar/Gram Panchayat/District Magistrate in respect of his postretirement marriage.

(b) The Head of Office on receipt of application in Form 30 after due verification forward papers to the Director, Pension Department, Rajasthan, Jaipur for issue of corrigendum to the Pension Payment Order. If the pensioner has any eligible child or children from another wife, who is not alive, the family pension shall be divided between the eligible child of the wife, who is not alive and the post retiral spouse and her children.

(c) The corrigendum Pension Payment Order shall be forwarded by the Director, Pension Department, to the concerned Pension Payment Officer, and a copy of the corrigendum Pension Payment Order shall be endorsed to the pensioner.

105. Procedure in respect of ex gratia grant under Rule 75

:-

(a) An application for ex gratia grant to the family of a Government servant who dies while on duty in certain circumstances under Rule 75 of Chapter V C Family Pension Rules, shall be made by the

member of his/her family who is entitled for grant of family pension in Form 17, within a period of one year from the date of death as provided in the above rules, failing which the same shall not be entertained by the Head of Department.

(b) The expenditure on this account shall be debited to the budget Head - 2071 - Pension and other Retirement Benefits 01 - Civil 104 - Gratuities

(ii) - Ex gratia grant on death of Government servants while on duty

Provided that the expenditure on account of ex-gratia granted by the Collector of the District under sub-rule (5) of Rule 75 shall be charged to the Budget Head of the Election.

(c) The amount of ex gratia grant shall be drawn by the Head of Office from the Treasury on a simple receipt form on the basis of the sanction issued by the Head of the Department and make payment of the grant to the member of the family of the deceased Government servant. No authority from the Director, Pension Department, Rajasthan will be required for such payment.

(d) The Head of Department should ensure that payment of ex gratia grant is made within 10 days of the date of receipt of complete application.

(e) The ex gratia grant to the employees of the Central Government, Undertakings of Centre or State, Statutory Corporations, Local Bodies, Autonomous Bodies, Cooperative Societies, R.B.I., Nationalised Banks etc. and Home Guard personnel who die while on election duty, shall be granted by the Collector of the concerned district to the member of the family of the deceased who is entitled to receive the Death Gratuity as per relevant rules. The eligible member of the family shall apply to the Collector concerned in Form 17. The amount shall be drawn by the Collector from the Treasury on a simple receipt form on the basis of sanction issued, by debiting the Budget head to which election expenses are debited.

(f) The ex gratia grant to the family of a Volunteer, Home Guard who dies while on duty in the circumstances mentioned in clauses (b) to (e) of sub rule (1) of Rule 75 shall be granted by the Director General, Home Guard & Civil Defence, on fulfillment of the conditions mentioned in the rules. The payment shall be made to the widow/minor children of the deceased. Application for the same shall be submitted by the person eligible to receive the grant to the Director General, Home Guard & Civil Defence. The amount shall be drawn by the Director General from the Treasury on a simple

receipt form on the basis of sanction issued and shall be debited to the Budget Head to which the allowances paid to Home Guard Volunteers are debited.

106. Procedure in respect of ex gratia grant under rule 76

:-

(a) An application for ex gratia grant shall be made by the member of a deceased Government Servants family who is entitled for the grant of family pension, in Form 17, within a period of one year from the date of death, to the Director General of Police/Director, Civil Defence & Commandant General, Home Guards, as the case may be, failing which the application shall not be entertained.

(b) The Director General of Police/Director, Civil Defence & Commandant General Home Guards, as the case may be, shall forward the application alongwith details of the incident and his comments to the Secretary to the Government, Home Department, Rajasthan.

(c) The ex-gratia grant shall be sanctioned by the Secretary to the Government, Home Department.

(d) The amount of ex-gratia grant shall be drawn by the Head of Office from the Treasury on a simple receipt form on the basis of sanction issued by the Secretary to Government, Home Department. No authority from the Director, Pension Department, will be required for this purpose.

(e) In respect of Forestry Personnel, the application for ex-gratia grant shall be made to the Principal Chief Conservator of Forest who will forward the same with his comments to the Secretary to Government, Forest Department, who will be the sanctioning authority in their cases.

(f) In respect of a Volunteer of Civil Defence & Home Guards, application for exgratia grant shall be submitted to the Director Civil Defence & Commandant General, Home Guards, who will forward the same to the Secretary to Government, Home Department, for obtaining sanction. The amount shall be drawn by the Director, Civil Defence and Commandant General, Home Guards, by debiting the Budget Head to which the allowances paid to such Volunteers are debited.

C - FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

107. 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 servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner:

Provided that the Head of Office may, when he considers it necessary so to do, consult the Director, Pension Department.

(2) (A) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of family pension, under Rules 66 and 67, the amount of family pension, as indicated in the Pension Payment Order shall become 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 a claim in Form 14 from the widow or widower, the Pension Disbursing Authority from whom the deceased pensioner was drawing his or her pension shall authorise the payment of family pension, to the widow or widower, as the case may be.

The Pension Disbursing Authority shall, after authorising the payment of family pension to the widow/widower, inform the fact to the Director, Pension Department, in Form 29.

(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 14 to the Head of Office for the 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 Head of Office shall sanction the family pension in Form 20.

(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 Head of Office on plain paper furnishing the following particulars, namely :-

(a) a declaration that the applicant continues to be the 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 pension disbursing authority from where payment of family pension, on behalf of such child or children is desired;
- (e) full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the family pension, shall become 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 14 to the Head of Office for the 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 person may himself or herself submit a claim in the said Form.

(iv) On receipt of the claim referred to in sub-rule (iii), the Head of Office shall sanction family pension in Form 21.

(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 14 to the Head of Office for the 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 claim in the said Form.

(ii) On receipt of a claim under sub clause (i), the Head of Office shall sanction family pension in Form 21.

(3) Where on the death of a retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub rule (2) of Rule 55, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 22 from the person or persons eligible to receive the residuary gratuity.

108. Authorisation of payment by Director, Pension Department :-

On receipt of the sanction under Rule 107 regarding the payment of family pension or of residuary gratuity or of both, the Director, Pension Department shall authorise the payment of the same.

CHAPTER 7 SPECIAL PENSIONARY AWARDS

109. Applicability :-

The rules in this Chapter shall apply to the following categories of Government servants on pensionable establishment whether temporary or permanent -

(1) Police personnel whether in regular or irregular units including R.A.C. upto the rank of Commandant & Superintendent of Police (other than IPS officers) who -

- (i) die as a result of encounter with dacoits,
- (ii) killed while on duty, including Class IV servants followers & other noncombatant staff attached to Police Force,
- (iii) die as a result of encounter with criminals or in the course of confrontation with mobs or crowds during agitation, riot or disturbances etc.

(2) Personnel of Preventive Branch of the Excise Department upto the rank of Excise Officer (Preventive) who are killed or die as a result of injury sustained while undertaking raids.

110. Applicability of Award :-

Award at the rates specified in Rule 111 shall be granted under this Chapter to the family of -

- (a) Police personnel who while in service are killed or die under any of the circumstances mentioned in the relevant clauses of Rule 109;
- (b) Personnel of Preventive branch of the Excise Department who while in service are killed or die under the circumstance mentioned in clause (2) of Rule 109.

111. Amount of Award :-

Subject to the other provisions of this Chapter, the amount of Award and concessions admissible under this Chapter will be as follows :-

- (i) Death Gratuity as admissible under Chapter V-B.
- (ii) If the Government servant is survived by the widow, family pension equal to the emoluments last drawn by the deceased Government servant. The said family pension shall be payable upto the date when the deceased would have attained the age of superannuation had he survived or her remarriage whichever is earlier.
- (iii) When family pension ceases to be payable on attaining the age of superannuation of the deceased Government servant had he survived, under clause (ii) above, the family pension shall be paid

equal to half of the maximum of the scale in which pay was being drawn by the deceased Government servant in substantive, officiating or temporary capacity, for life or until her re-marriage, whichever is earlier.

(iv) Children of the deceased shall be entitled to the facility of free education in Government Schools and Colleges within Rajasthan, to the same extent as permissible to the children of low paid Government Servants, according to rules thereon.

(v) The family of the deceased shall be paid a sum of Rs. 2,000 for meeting expenses on the funeral rites of the deceased Government servant.

(vi) In cases where the amount of Special Pensionary Award admissible under clause (ii) or (iii) of the Rule 111, falls short of minimum family pension payable under Chapter V-C, Special Pensionary Award shall be paid at the rate of minimum family pension under Chapter V-C.

(vii) (a) In the event of remarriage of the widow, family pension will be allowed to the eligible members at the rates of family pension & subject to the conditions laid down for family pension under Chapter V-C from the date following the date of remarriage of the widow.

(b) In the event of death of the widow who has been granted family pension, the family pension will be allowed to the eligible members of the family at the rates and conditions laid down in clause (viii) below.

(viii) If the Government servant is not survived by a widow, but is survived by child/ children only, all children together shall be eligible for family pension @ 60% of emoluments subject to minimum of Rs. 2500/-.

The above family pension shall be payable to child / children for the period during which they would have been eligible for family pension under Chapter V-C. The family pension shall be paid to the senior most eligible child at a time on the lines on which the family pension is regulated under Chapter V-C.

(ix) Where the Government servant dies as a bachelor or as a widower without children, dependent pension would be admissible to the parents @ 75% of emoluments last drawn, if both parents are alive and @ 60% of emoluments if only one of them is alive."

(x) Where the family pension or dependent pension is allowed in terms of these orders, no other family pension or dependent pension will be admissible under any other orders or rules in consideration of death of the same deceased Government servant.

112. Definition of emoluments :-

Emoluments will mean as defined in Rule 45 of Rajasthan Civil Service (Pension) Rules, 1996.

113. Dearness Relief / Interim Relief :-

Dearness Relief and Interim Relief as may be admissible from time to time shall be paid on the amount of family pension/dependent pension in accordance with the provisions of rule 77 and 77A of R.C.S. (Pension) Rules, 1996.

114. Procedure :-

(1) Except as provided in this rule in respect of matters of procedure, awards under these rules are subject to procedure and rules relating to ordinary pensions to the extent that such procedure and rules are not inconsistent with the rules contained in this Chapter.

(2) The following authorities shall be competent to sanction pension under this Chapter, to whom the application for grant of pension/gratuity in the form given in the Annexure shall be submitted -

- (i) Commandant, in case of RAC personnel;
- (ii) Superintendent of Police, in case of Police personnel other than R.A.C.;
- (iii) Dy.I.G.P. in case of Police personnel of range offices;
- (iv) D.G.P. in case of Commandant or Superintendent of Police (other than I.P.S.);
- (v) Excise Commissioner, Rajasthan, in case of personnel of Preventive Branch, of Excise Department.

The application shall be submitted through the Head of Office, under whom the deceased Government servant was immediately serving before death.

(3) The pension sanctioning authority, on receipt of application shall immediately fill up the prescribed form and issue orders for grant of pension/gratuity after necessary enquiry and shall forward the sanction and application to the Director, Pension Department, Rajasthan alongwith following documents:

- (i) Last Pay Certificate.
- (ii) Death Certificate by a Government Medical Officer provided that in cases where the Police personnel are believed to be killed in encounter with dacoits or while on duty, but could not be located,

the Commandant/Superintendent of Police/Director General of Police, as the case may be record the following certificate in respect of such persons -

Certified that Shrirank.....S/o Shri.....posted at.....is believed to have been killed in encounter with dacoits or while on duty.

(iii) Declaration for refund of excess amount of pension, in Form annexed.

(iv) A statement of circumstances resulting in death.

(v) Left/right hand thumb and finger impressions of the claimant(s), in duplicate, duly attested.

(vi) Specimen signature of the claimant(s), in duplicate, duly attested.

(vii) Passport size photograph of the claimant(s), in duplicate, duly attested on the face.

On receipt of the aforesaid documents, the Director, Pension Department, Rajasthan, will issue the Pension Payment Order.

CHAPTER 8 EXTRAORDINARY PENSIONS

115. Extent of application :-

The rules in this Chapter shall apply to all persons appointed by the Government of Rajasthan to services and posts under its administrative control or in connection with the affairs of Rajasthan, other than those to whom the Workmens compensation Act applies, whether the appointment of such persons is permanent or temporary, on a time scale of pay or fixed pay, or piece work rates.

116. Definition :-

For the purpose of the Rules contained in this Chapter unless there is anything repugnant in the subject or context,

(1) "accident" means -

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service.

(2) "date of injury" means-

(i) in the case of violence or injury the actual date on which the injury is suffered or such date not later than the date of the report of the Medical Board, as the Government may fix; and

(ii) in the case of disease, the date on which the Medical Board

reports or such earlier date as may be fixed by Government with due regard to opinion of the Medical Board;

(3) "injury" means an injury as is mentioned in Schedule I hereto annexed. Permanent Total Disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II of that Schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to cent per cent or more. Every injury specified in Part II of Schedule I shall be made to result in Permanent Partial Disablement.

(4) "disease" means - a disease as is mentioned in Schedule I-A hereto annexed.

(5) "Pay" means the pay as defined in Rule 7 (24) of the Rajasthan Service Rules, which a person was drawing on the date of his death or injury: Provided that in the case of a person remunerated by piece work rates, pay means the average earnings of the last six months ending with the date of his death or injury;

(6) "violence" means the act of a person who inflicts an injury on a Government servant -

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

117. Condition for accepting disablement/death due to Government service :-

(1) (a) Disablement shall be accepted as due to Government service provided that it is certified that it is due to wound, injury or disease which-

(i) is attributable to Government service, or

(ii) existed before or arose during Government service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to Government service provided it is certified that it was due to or hastened by-

(i) a wound, injury or disease which was attributable to Government service, or

(ii) the aggravation by Government service of a wound, injury or disease which existed before or arose during Government service.

(2) There shall be a causal connection between-

- (a) disablement and Government service, and
 - (b) death and Government service, for attributability or aggravation to be conceded. Guidelines in this regard are given in the Appendix which shall be treated as part and parcel of these Rules.
- (3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a Government servant may be taken into consideration in making an award under these rules in favour of such Government servant, but, shall not be taken into account where such award is made in favour of the family of such Government servant.

118. Conditions of Award :-

No award shall be made under these Rules except with the sanction of the Government or of a competent authority to whom Government may delegate, subject to such conditions as it may fix, the powers vested in Government under these Rules.

119. Effect of award on other pensionary benefits :-

Except as otherwise provided in these rules, an award under these rules shall not affect any other pension or gratuity for which the Government servant concerned may be eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service. In case of death of the Government servant due to Government service, the family shall be paid Death Gratuity as per rule 55 of these Rules. Family pension under Chapter V C of these rules shall not be payable in addition to the Award. Note:- See Government of Rajasthan's Decision No.1 below rule 127 (3).

120. Award when inadmissible :-

No award shall be made in respect of -

- (i) an injury sustained more than five years before the date of application, or
- (ii) death which occurred more than seven years -
 - (a) after the injury due to violence or accident was sustained, or
 - (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

Note:- See Rule 131 regarding date of payment of E.O.P.

121. Determination of percentage of disability :-

(1) The percentage of disability due to an injury or injuries shall be as specified in SCHEDULE I hereto annexed, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in SCHEDULE I-A, hereto annexed, shall be as certified by the Medical Authority.

122. Amount of Disability Pension Award :-

(1) When disablement of a Government servant is conceded as due to Government service in terms of Rule 117, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) of this Rule in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in SCHEDULE II hereto annexed. The quantum of disability pension for lower percentage of disability shall be, "proportionately lower". (The minima and the maxima given in SCHEDULE II are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent).

(3) If the Government servant is boarded out of Government service on account of such disablement, and further if, the percentage of his permanent disability as certified by the Medical Authority is not less than 60% his monthly disability pension shall be related to the family pension admissible to the widow (in case he had died instead of being disabled) in the manner indicated below -

- (a) If the employee held a permanent pensionable post and is invalided/boarded out from service, as a result of disability attributable to service, after rendering ten years service, he shall be given, apart from the normal invalid pension under the R.C.S. (Pension) Rules, 1996, the amount of disability pension as is admissible under this Chapter subject to the condition that the sum-total of the invalid pension plus the disability pension shall not be less than the widows (family) pension under this Chapter; and
- (b) If the employee eligible for disability pension under these Rules

is invalidated/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996. Apart from such gratuity, he shall be given such amount of disability pension as is admissible under these Rules subject to the condition that the sum-total of the pension equivalent of such gratuity under the R.C.S. (Pension) Rules, 1996 plus the disability pension as is admissible under these Rules, shall not be less than the widows (family) pension under these Rules.

(4) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provision of sub-rule (2) of this Rule, by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time.

123. Amount of Award (EOP) to Family :-

When death of a Government servant is conceded as due to Government service in terms of Rule 117, his widow and children shall be awarded pensionary benefits in accordance with SCHEDULE III hereto annexed. Note - If a Government servant dies leaving behind two or more widows, the pension admissible, under this rule to the widow shall be divided equally among all the widows.

124. Award to other members of the deceaseds family :-

(1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually, or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need: Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow who is childless under Rule 123.

(2) Any award made under sub-rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as the Government may by order prescribe. Note:- If any of the widows, children, father, mother or minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him such a person shall be ineligible to receive any award under

these rules and the benefit will pass on to the next person eligible.

125. Date from which award to the family effective :-

(1) A family pension will take effect from the day following the death of the Government servant or from such other date as the Government may decide.

(2) A family pension will ordinarily be tenable

(i) in the case of a widow or mother until death or remarriage whichever occurs earlier;

(ii) in the case of son until he attains the age of 25 years or minor brother until he attains the age of 18;

(iii) in the case of an unmarried daughter until marriage or until she attains the age of 25, whichever occurs earlier; or in case of minor sister until marriage or until she attains the age of 21, whichever occurs earlier;

(iv) in the case of a father, for life.

126. Continuance of award to widow on remarriage with her deceased husbands brother :-

Notwithstanding anything contained in clause (i) of sub-rule (2) of Rule 125, a widow of an employee who re-marries her deceased husbands brother and continues to live a communal life with, or contributes to the support of the other dependents of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

127. Procedure :-

(1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) When a claim for any injury pension or gratuity or family pension arises, the Head of Office or of the Department in which the injured or deceased Government servant was employed will forward the claim through the usual channel to the Government with the following documents:-

(i) full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form A or as the case may be, the application for family pension in Form B of the

Forms set forth in Schedule IV.

(iii) In the case of an injured Government servant or one who has contracted a disease a medical report in Form C of the Forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.

(iv) A report of the Director, Pension Department concerned as to whether an award is admissible under the rules and if so of what amount.

(3) Where the Government are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of wound or other extraordinary pension has been received by them, of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the Government servant and submit a report to the Government in the matter; pension shall be granted to the Government servant in accordance with the decision of the Second Medical Board.

CHAPTER 9 PAYMENTS OF PENSIONS

128. Date from which pension becomes payable :-

(1) Except in the case of a Government servant to whom the provisions of 33 apply and subject to the provisions of Rules 7 and 90, a pension other than extraordinary pension under Chapter VIII and family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

(2) Pension including family pension shall be payable for the day on which its recipient dies.

129. Currency in which pension is payable :-

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

130. Manner of payment of gratuity and pension :-

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or

after the first day of the following month.

131. Date of payment of extraordinary pension :-

In cases where considerable delay has occurred in making application for an extraordinary pension it will be granted only from the date of the report by the Medical Board and no application for gratuity or pension will be entertained unless submitted within 5 years of the wound or injury.

132. Application of Treasury Rules :-

Save as otherwise provided in these rules, the Treasury Rules of Rajasthan Government shall apply in regard to the procedure of payment -

- (i) of gratuity, and
- (ii) of pension.

133. Personal appearance for identification :-

As a rule a pensioner must take payment in person after identification by comparison with the Pension Payment Order.

134. Authorities for signing a life certificate :-

(1) A pensioner of any description, who produces a life certificate signed by any person specified hereunder is exempted from personal appearance -

- (i) a person exercising the powers of a Magistrate under Criminal Procedure Code;
- (ii) a Registrar or Sub Registrar appointed under the Indian Registration Act;
- (iii) Gazetted Officer;
- (iv) a Police Officer not below the rank of Sub-Inspector incharge of a Police Station;
- (v) a Post Master, a Departmental Sub-Post Master or an Inspector of Post Offices;
- (vi) a Class I Officer of the Reserve Bank of India or an officer of the State Bank of India or Sub Accountant appointed as an agent or an Accountant at a branch of the State Bank of India or by a Bank included in the second schedule to the Reserve Bank of India Act, 1954;
- (vii) a Block Development Officer or Naib Tehsildar;
- (viii) a Member of Parliament or State Legislative Assembly or

Sarpanch of Village Panchyat; or

(ix) a Pensioned Officer who before retirement exercised the powers of a Magistrate.

(2) A pensioner not resident in India in respect of whom his duly authorised Agent produces a life certificate signed by a Magistrate, a Notary, a Banker or a diplomatic Representative of India is exempted from personal appearance.

135. Drawing of pension through an Agent :-

When a Pensioner draws his pension through an Agent or Representative, the claim must be supported by the written authority of the pensioner to pay the pension to the Agent or the Representative nominated by him to receive payment on his behalf. In such cases, the endorsement "Received payment" must be signed by the pensioner and a separate receipt which need not be stamped shall be endorsed by the Agent or the nominee, as the case may be, in token of having actually received the payment.

136. Verification of continued existence of a pensioner once a year :-

(1) In all cases referred to in Rule 134, the Disbursing Officer must take precautions to prevent impositions, and must at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner.

(2) (i) For this purpose he should require the personal attendance and due identification of all pensioners except -

(a) those exempted from personal appearance granted by the Government or Collector of the concerned District;

(b) those women pensioners who are not accustomed to appear in public;

(c) those pensioners who are incapacitated by bodily illness or infirmity from so attending.

(ii) In regard to the procedure to be followed for pensioners covered in the exceptions mentioned in clause (i) above, the Disbursing Officer shall follow the provisions laid down in the Treasury Manual.

(3) If the usual life certificate which accompanies the first bill presented on or after April 1 is countersigned by a second responsible Government Officer or by any one of the other persons authorised under rule 134, the pensioner need not be required to appear in person for identification. The Disbursing Officer, however,

in all cases of doubt, will be competent to obtain proof of the existence of the pensioner independent of that furnished by the life certificate and may ask the pensioner to appear in person for due identification.

137. Drawing of pension through an authorised agent :-

(a) A pensioner not resident in India, may draw his pension at any treasury in India through a duly authorised agent possessing a legally valid power of attorney who must either produce a certificate by a Magistrate, a Notary, a Bank or a Diplomatic Representative of India, on each occasion, that the pensioner was alive on the date to which his pension is claimed or execute a bond to refund over payments and produce such a certificate as aforesaid at least once a year.

(b) A pensioner of any description resident in India and is drawing his pension through Banks or agents who have executed a general bond of indemnity or a special bond of indemnity to cover pension payment made to particular pensioner or class of pensioners from a particular station or stations need not be required to get the life certificate accompanying the first bill presented on or after April 1, countersigned in the manner prescribed in clause (c) of Rule 136.

(c) The pension of an officer drawing his pension through an Agent who has executed a bond to refund over-payments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Director, Pension Department and the Disbursing Officer should be on the watch for authentic information of the decease of any such pensioner and on receipt thereof, should promptly stop further payments.

138. Transfer of Payment to another State :-

(a) The Director, Pension Department, Rajasthan, may, on an application (through the Treasury Officer concerned) received from a pensioner drawing pension in Rajasthan and who is desirous of drawing pension in another State, permit transfer of payment to that Treasury in another State.

(b) The Treasury Officer while forwarding the request for transfer shall enclose therewith both halves of Pension Payment Order recording thereon the last payment made upto that date.

(c) The Director, Pension Department will then either issue a new Payment Order or enface the payment order for payment at the new Treasury and move the Accountant General of the State

concerned to do so through the Accountant General, Rajasthan.

139. Transfer of payment from one Treasury to another or to a Sub Treasury under a District Treasury :-

(1) A Treasury Officer may authorise payment in any of the Sub Treasuries subordinate to his District Treasury of a pension payable under proper authority at his head quarters, and may transfer the payment of a pension from such Sub Treasury to the District Treasury or from one Sub Treasury to another in the same district.

(2) A Treasury Officer may on receipt of an application from the pensioner drawing pension in his District Treasury or Sub Treasury under him, may permit transfer of the payment to another Treasury in any District in Rajasthan, by forwarding both halves of the Pension Payment Order and recording thereon the last payment made upto that date, under intimation to the Director, Pension Department and the pensioner concerned.

140. Certificate of non-employment :-

(1) A pensioner drawing pension in India is required to append to his bill a certificate of non employment as follows:-

"Certificate of non employment

I declare that I have not been serving in any capacity either under Central or State Government, Local Fund or under a State/Central Government Company, Corporation, Undertaking or autonomous body/statutory body, local body, cooperative society, institution etc. wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or receiving Grant-in-aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in Public Sector Bank or in General Insurance Corporation or Life Insurance Corporation etc. etc."

(2) In the absence of the above certificate, the Dearness Relief and Interim Relief will remain suspended till such employment/re-employment.

(3) In case where the amount of consolidated salary has been fixed on reemployment without taking into consideration the element of dearness allowance, the payment of Dearness Relief may be made by the Treasury Officer on receipt of such a certificate from the concerned Appointing Authority, subject to the condition that the total consolidated salary plus pension and Dearness Relief payable thereon on the date of retirement does not exceed the pre-

retirement emoluments. In case the total consolidated salary plus dearness relief payable on the date of retirement exceeds the pre retirement emoluments, only the difference between the Dearness Relief admissible and the excess over the pre retirement emoluments shall be payable.

(4) In the case of a pensioner permitted under Chapter X to draw pension after reemployment, the certificate prescribed under sub-rule (1) should be modified according to the facts.

(5) In the case of a pensioner drawing his pension through an agent, who has executed the required Bond of Indemnity, the certificate modified accordingly may be signed by the agent provided that the pensioner shall himself furnish, once a year, a certificate covering the period for which pension has been drawn on the basis of the agents certificates.

141. Renewal of Pension Payment Order :-

When the reverse of a Pension Payment Order is filled up or when the pensioners half is found to be worn or torn, both halves may be renewed by the Treasury Officer.

142. Issue of New Pension Payment Order on loss :-

If a pensioner losses his half of the Pension Payment Order, a new order may be issued by the Treasury Officer, who should see that n o payment is made on the half alleged to be lost by strict observance of Note (2) under Rule 130. The necessary note should be made in the remarks column of the Register maintained at the Treasury.

143. Lapses and Forfeiture :-

(1) If a pension payable in India remains undrawn for more than one year, the pension ceases to be payable.

(2) If the pensioner afterwards appears, the Disbursing Officer may renew his payment.

(3) The arrears of pension may be paid by the Disbursing Officer -

(a) if the pension in arrears is to be paid for the first time in accordance with the provisions of Rule 128;

(b) if the pension in arrears is to be paid not for the first time, and the amount of arrears does not exceed 1 "Rs.50,000".

(4) The arrears of pension exceeding 1 "Rs.50,000" under sub rule 3 (b) shall be paid only with the previous sanction of the Director,

Pension Department, Rajasthan.

144. Payment of difference of pension to the missing pensioner on his reappearance :-

If a missing pensioner reappears at any time after grant of family pension as per proviso to Rule 61, he shall be allowed the difference, if any, between the amount of service pension and the amount of family pension already paid.

145. Payment of arrears of pension of deceased pensioner without producing of usual legal authority :-

(1) The arrears of pension of a deceased pensioner may be paid to the heirs of the deceased, without the production of the usual legal authority to the extent of 1 "Rs.50,000" under the orders of the Treasury Officer/ Pension Payment Officer after such enquiry into the rights and title of the claimant as may be deemed sufficient. Any excess above 1 "Rs.50,000" may similarly be paid under the orders of the Director, Pension Department, Rajasthan, on execution of an indemnity bond, with such sureties as he may require, if he is satisfied of the right and the title of the claimant. In any case of doubt, payment should be made only to the person producing legal authority.

(2) After payment of the arrears of pension, the Pension Payment Order should be returned to the Director, Pension Department, Rajasthan, with a report of date of death of the pensioner, in case no family pension has been authorised in that Pension Payment Order.

146. Payment of arrears of pension of "unheard of" pensioner :-

The arrears of pension for the period of non drawal of service pension by the pensioner who had disappeared, to the date of start of family pension under proviso to Rule 61 shall be paid on completion of one year of drawal of family pension, if the pensioner has not reappeared during this period. The arrears would be given at the rate of family pension specified in Rule 62 but not exceeding the rate of service pension.

147. Payment of arrears of family pension under second proviso to rule 61 in case of a missing Government Servant :-

After one year of drawal of family pension under second proviso to rule 61 in case of a missing Government servant, the family shall be paid arrears of family pension at rates already sanctioned, from the date of missing of the Government servant to the date of start of family pension, provided the Government servant has not reappeared during this period.

148. No claim to pension of heirs when a Government servant dies before retirement or discharge :-

If a Government servant dies before actually retiring or being discharged his heirs have no claim to anything in respect of his pension except to the extent and subject to the conditions specified in Chapter V of these Rules.

CHAPTER 10 FIXATION OF PAY OF RE-EMPLOYED PENSIONERS

149. Applicability :-

(1) Save as otherwise provided in these Rules, the rules in this Chapter shall apply to all persons who are re-employed in Civil Services and posts in connection with the affairs of Rajasthan Government after retirement on pension, gratuity, and/or Contributory Provident Fund benefits from the services of the Union Government, State Governments including Rajasthan, Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or semi-Government Organisations.

(2) These rules shall not apply to -

- (a) Persons re-employed after resignation or removal, provided they have not received any retirement/terminal benefits for the pre-employed service;
- (b) Persons paid from Contingencies;
- (c) Persons re-employed in posts, expenditure of which is not debitable to the Civil estimates of the Rajasthan Government;
- (d) Persons on casual or daily rated or part time employment;
- (e) Persons appointed as Consultants on payment of consolidated fees;
- (f) Persons appointed on work charged capacity.
- (g) Persons re-employed on contract basis, unless specifically provided for in the contract agreement.
- (h) Persons engaged on consolidated remuneration after retirement as referred in rule 140(3) of these rules.

150. Definition :-

In these rules, unless the context otherwise requires -

(a) Pension means the gross monthly pension or pension equivalent of Governments contribution to C.P.F. and/or other retirement benefits, if any, payable under the R.C.S. (Pension) Rules, 1996, or other relevant rules of the Government or the body under which the re-employed pensioner was serving prior to his retirement. Where the pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.

(b) Pre Retirement Pay means the emoluments, as defined in rule 45 of R.C.S. (Pension) Rules, 1996, last drawn before retirement, but will not include special pay and personal pay, if any.

151. Re-employment after superannuation or retiring pension :-

A Government servant who is in receipt of Superannuation or Retiring Pension shall not be re-employed or continue to be employed in service paid from the Consolidated Fund or from a Local Fund, except on public grounds. Sanction to re-employment 1 "()" may be given by the Administrative Department with the concurrence of the Department of Personnel.

152. Fixation of pay of re-employed pensioners :-

(a) Re-employment pensioners shall be allowed to draw pay only in the prescribed scales of pay for the posts in which they are re-employed. No protection of the scales of pay of posts held by them prior to retirement shall be given.

(b) (i) In all cases where the pension is fully ignored, the initial pay on reemployment shall be fixed at the minimum of the scale of pay of the re-employed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial 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 the re-employed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of pay of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of

the re-employed post. However, in all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.

(c) The re-employed pensioner will in addition to pay as fixed under sub rule (b) above shall be permitted to draw separately any pension sanctioned to him and retain any other form of retirement benefits.

(d) In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (excluding pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent:-

(i) In the case of ex servicemen who held posts below commissioned officers rank in the Defence Forces and in the case of other retired Government servants who held posts other than State Service posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

(ii) In the case of service officers belonging to Defence Forces and State Government pensioners who were members of the State Services at the time of their retirement, the first 1 "Rs.1500/-" of the pension shall be ignored.

(e) The pay fixed under sub rules (a) to (d) and gross pension taken together shall not exceed 2 "Rs.26,000" p.m.

153. Drawal of increments :-

Once the initial pay of re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time scale of the post to which he is appointed as if the pay has been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension is made) provided that the pay and gross pension taken together do not at any time exceed 1 "Rs.26,000" per month.

154. Personnel retiring on Invalid or Compensation pension :-

Persons who are re-employed after obtaining compensation or invalid pension will also be governed by these rules subject to the condition that if the re-employment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cease to draw any part of their pension and count their previous service. Pension intermediately drawn need not be refunded. In case the pensioners elect to count

their previous service for pension by forgoing their entire pension including death/retirement gratuity, their pay would be fixed by treating them as if they are not in receipt of any pension.

155. Promotion/Transfer :-

On regular promotion/transfer to another post, pay of the re-employed pensioner shall be fixed under the provisions of the Rajasthan Service Rules with reference to the pay in the previous re-employment post (before adjustment). Adjustment from the pay so fixed, on account of pension shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that pay plus pension shall not exceed 2 "Rs.26,000" per month at any time.

156. Allowances :-

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on re-employment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension.

157. Special pay on re-employment :-

Special pay on re-employment should be based on the nature of the duties attached to the post on which re-employment is made. If the post on which re-employment is made carries a special pay and an officer normally appointed to the post would have been entitled to that special pay, the re-employed officers should also be considered eligible for the grant of special pay; otherwise not, subject to the condition that the total pay on re-employment and pension should not exceed 2 "Rs.26,000" p.m.

158. Leave and leave salary :-

In the case of persons re-employed after retirement, the provisions contained in the Rajasthan Service Rules regarding leave and leave salary shall apply. [Also refer clarification No.3 at the end of this Chapter]

159. Gratuity, Death/Retirement Gratuity :-

Re-employed employees shall not be eligible for any gratuity, death/retirement gratuity for the period of re-employment except

in those cases covered in Rules 18 and 19 of Rajasthan Civil Services (Pension) Rules, 1996.

160. Retrenched employees :-

In the case of those Government servants who are retrenched from service and are not granted pension and/or service gratuity, on their appointment to Government Service, they may be granted advance increments equal to the completed years of service rendered by them on a basic pay equal to or higher than the minimum of the scale attached to the post in which they are employed. The pay so arrived at should not, however, exceed the basic pay drawn by them in their previous employment. The provisions relating to grant of advance increments shall also be applicable in cases where only service gratuity in lieu of pension was paid, subject to the condition that the amount of service gratuity received by him is refunded to the Government in suitable instalments not exceeding thirty six.

161. Extra ordinary pension admissible during re-employment :-

Notwithstanding anything contained in the rules in this Chapter, a wound or other Extra ordinary pension sanctioned under Chapter VIII of the R.C.S(Pension) Rules, 1996, and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, 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 re-employment or continued employment.

162. Pensioner to declare amount of pension to the appointing authority :-

When a person who was formerly in the civil or military employment of any Government in India or other organisations mentioned in rule 149 (1) obtains reemployment, whether temporarily or permanently, in Government service or in the service of a Local Fund, 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 re-appointment whether any deduction is to be made from pension or salary as required by the rules of this Chapter and shall communicate a copy of the Order to the Director, Pension Department.

163. Details to be called for from the Head of Office/Director, Pension Department :-

For the correct determination of pay, the competent authorities shall obtain the particulars of pay drawn on the date of retirement on which the pension was based and the post held by him immediately before retirement, from the Head of the Office who processed the pension case. In the particulars of the pay drawn, the basic pay, special pay and personal pay counted as emoluments shall be shown separately. The information relating to pension including commuted amount shall be collected from the Pension Payment Order. In the case of any doubt or non-availability of any data, the Director, Pension Department shall be referred to.

After getting the above information, the competent authority shall fix the pay of the re-employed Government servant under the provisions of these Rules.

164. Authority competent to fix the pay :-

Competent authorities to whom the powers of re-employing persons have been given will be competent to fix the pay of the retired employees re-employed under them in accordance these Rules provided that the post in which the employee is re-employed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will be referred to the Government in the Finance Department.

CHAPTER 11 MISCELLANEOUS

165. 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.

166. Power to relax :-

Where the Government is satisfied that the operation of any of

these rules, causes undue hardship in any particular case, it 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.

167. Power to delegate :-

Government may delegate to any of its officers subject to any conditions which it may think fit to impose, any power conferred upon or taken under these rules except the powers under rule 166 and 167.

168. Repeal and Saving :-

(1) On the commencement of these rules, every rule, regulation or order including any Notification, circular etc. (hereinafter 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 ceasing of operation -

(a) (i) every nomination for the payment of death-cum-retirement gratuity, and

(ii) every form regarding the details of family of a Government servant for the purpose of Family Pension.

(b) any nomination for the payment of death-cum-retirement gratuity or any form regarding the details of family of a Government servant for the purpose of Family Pension, 1964, required to be made or given by a Government servant under the old rule 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 servant 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 old rule 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 servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in

accordance with the provisions of old rule 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.