

Central Civil Services (Pension) Rules, 1972

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Central Civil Services (Pension) Rules, 1972

1 Introduced by Ministry of Finance, Department of Expenditure. Notification No. 8 (1)/EV/69, dated the 1st March, 1972 and Published as S.O. 934 in Part II, Sec. 3, Sub-section (ii) of the Gazette of India, dated the 1st April, 1972 (w.e.f. 1st June, 1972). In exercise of the powers conferred by the proviso to Art. 309 and Cl. (5) of Art. 148 of the Constitution and, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

CHAPTER 1

PRELIMINARY

1. Short title and commencement :-

(1) These rules may be called the Central Civil Services (Pension) Rules, 1972.

(2) They shall come into force on the 1st June, 1972.

2. Application :-

Save as otherwise provided in these rules, 2 [these rules shall apply to Government servant appointed on or before the 31st day of December, 2003] including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to-

(a) railway servants;

(b) persons in casual and daily rated employment;

- (c) persons paid from contingencies;
- (d) persons entitled to the benefit of a Contributory Provident Fund;
- (e) members of the All India Services;
- (f) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries;
- (g) persons employed on contract except when the contract provides otherwise; and
- (h) 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.

Substituted for the words "these rules shall apply to Government servants" by Central Civil Services (Pension) Second Amendment Rules, 2003.

3. Definition :-

In these rules, unless the context otherwise requires :-

(1)

3[(a) Accounts Officer means an officer, whatever his official designation, who maintains the accounts of a Ministry, Department or office of the Central Government or Union Territory and includes an Accountant General, who is entrusted with the functions of maintaining the accounts or part of accounts of the Central Government or Union territory;]

4[(aa) allottee means a Government servant to whom Government accommodation has been allotted on payment of licence fee or otherwise;]

(b) average emoluments means average emoluments as determined in accordance with rule 34;

(c) child means a child of the Government servant who, if a son 5[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;

(d) Defence Services means services under the Government of India in the Ministry of Defence, and in the Defence Accounts Department under the control of the Ministry of Finance (Department of Expenditure) (Defence Division), paid out of the Defence Services Estimates and not permanently subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957);

(e) emoluments means emoluments as defined in rule 33;

- (f) family pension means 6[* * *] admissible under rule 54.
- (g) foreign service means service in which a Government servant receives his pay with the sanction of the Government from any source other than 7[The Consolidated Fund of India or of a State or the Consolidated Fund of a Union Territory];
- (h) Forms means a Form appended to these rules :
- (i)
- (i) Government means the Central Government;
- 8(ii) Government dues means dues as defined in sub-rule (3) of rule 71;
- (j) gratuity includes-
- (i) service gratuity payable under sub-rule (1) of rule 49;
- 9(ii) retirement gratuity/death gratuity payable under sub-rule (1) of rule 50; and
- (iii) residuary gratuity payable under sub-rule (2) of rule 50;
- (k) Head of a Department means an authority specified in Sch. 1 to the Delegation of Financial Powers Rules, 1978, and includes such other authority or person whom the President may, by order, specify as Head of a Department:
- (l) Head of Office means a gazetted officer declared as such under rule 14 of the Delegation of Financial Powers Rules, 1978, and includes such other authority or person whom the competent authority may by order, specify as Head of Office:
- (m) 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:
- (n) minor means a person who has not completed the age of eighteen years;
- (o) pension includes gratuity except when the term pension is used in contradistinction to gratuity;
- 10(p) pension disbursing authority means-
- (i) Branch of a Nationalised bank, or
- (ii) Treasury including sub-treasury, or
- (iii) Accounts Officer;
- (q) 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;
- (r) retirement benefits includes pension or service gratuity, and 11retirement gratuity, where admissible;
- 12 (rr) service book includes service roll, if any,
- (s) Treasury includes a Sub-Treasury.

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

Subs. by Notification No. 6 (1) Pen.(A) /79, dated 19th May, 1980.

Ins. Subs. by Notification No. 6 (1) Pen.(A) /79, dated 19th May, 1980.

Subs. by Notification No. 2/18/87-Pand PW (PIC), dated 20th July, 1988.

Omitted Subs. by Notification No. 2/18/87-Pand PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 19 (3) EV(A)/73, dated 28th February, 1973

Ins. by Notification No. 6 (1)-Pen. (A)/79. dated, 19th May, 1980.

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 6 (I)-Pen (A)/79. dated 19th May, 1980.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Ins. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

4. Government servants transferred from services and posts to which these rules do not apply :-

(1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service or post to which these rules do not apply shall become subject to these rules : Provided that it shall be open to him, within six months of the date of issue of the order of his permanent transfer or, if he is on leave on that day, then, within six months of his return from leave, whichever is later, to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.

(2) The option under the proviso to sub-rule (1) shall be exercised in writing and communicated to the authority making such order of transfer.

(3) The option, once exercised, shall be final.

CHAPTER 2

General Conditions

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

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(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.

13[(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 date of death shall be treated as a working day : 14 Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under CI. (j) to (m) of r.56 of the Fundamental Rules or rule 4815 [or rule 48A] as the case may be, the date of retirement shall be treated as non-working day.

Subs. by Notification No. 7 (1)-EV(A)/74. dated 7th February, 1975.

Ins. by Notification No. 7 (8)-EV (A)/77, dated 22nd August, 1977.

Ins. by Notification No. 31(4) Pen/80, dated 21st April, 1981.

6. Section 6 :-

. 16 [* * *]

Omitted by Notification No. 11 (6)-EV (A)/Pen/76. dated 3rd March, 1980.

7. Limitations on number of pensions :-

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(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) Except as provided in rule 19, 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.

8. 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.

17[(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: 18 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

19three hundred seventy five 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 judgment 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 in prima faice 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 20 [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 Cl. (a).

(4) Where the authority competent to pass an order under sub-rule (1) is the President, the Union 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 President, shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

ExplanationIn this rule,-

(a) the expression serious crime includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

(b) the expression grave misconduct includes the communication or disclosure of any secret official code or pass-word or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State,

Subs. by Notification No. 6 (1), Pen.(A)/79, dated 19th May. 1980.

Ins. by Notification No. 38 (4)-Pen.(A)/80, dated 8th August 1980.

Subs. by Notification No.2/18/87-P and PW (PIC), dated 20th July,1980.

D.V. Kappor v. Union of India. A.I.R. 1990 S.C. 1923 at p. 1926.

9. Right to President to withhold or withdraw pension :-

(1) The President 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 reemployment after retirement: Provided that the Union 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 pensions shall not be reduced below 21 [the amount of rupees 22 [three 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 re-employment, 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 President, that authority shall submit a report recording its findings to the President.

(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 President,

(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 President 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 23 [rule 69] shall be sanctioned.

(5) Where the President 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 statement of charges is 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 proceedings, 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.

Subs. by Notification No. 38 (4) Pen.(A)/80, dated 8th August, 1980.

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 6 (I)-Pen. (A)/79, dated, 19th May, 1982.

10. Commercial employment after retirement :-

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(1) If a pensioner who immediately before his retirement was a member of 3[Central Service Group A] wishes to accept any commercial employment before the expiry of 4"one years" from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance 6[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.

6(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, on an application made 28under sub-rule (1) by a pensioner grant, subject to such conditions, if any, as it may deem, necessary, permission, or refuse lor reasons to be

recorded in the order, permission, to such pensioner to take up the commercial employment specified in the application.

29(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 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.

(4)30[*****]

31(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit: Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

32(6) If any pensioner takes up any commercial employment at any time before the expiry of 33"one years" from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order :

Provided that no such order shall be made without giving the

pensioner concerned an opportunity of showing cause against such declaration :

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely :-

- (i) the financial circumstances of the pensioner concerned;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned; and
- (iii) any other relevant factors.

34(7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

35(8) In this rule-

[(a) the expression "commercial employment" means :-

(i) an employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government;]

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner-

(A) has no professional qualifications and the matters in respect of which the practice is to be set up is carried on are relatable to his official knowledge or experience, or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

(C) has to undertake work involving liaison or contact with the offices or officers of the Government.

(iii)38[***]

Explanation For the purposes of this clause the expression "employment under a co-operative society" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society;

(b) the expression "date of retirement", in relation to a Government servant reemployed after retirement, without any, break, either in the same or in another 39 [Group A post] under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-

employed in Government service.

Subs. by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.
In the CENTRAL CIVIL SERVICES (PENSION) RULES, 1972, in Rule 10, sub-Rule (1), words "two years" shall be substituted in place of "one years", by the "CENTRAL CIVIL SERVICES (PENSION) (AMENDMENT) RULES, 2006".

Ins. by Notification No. 29/4/83-Pension unit, dated 15th November. 1984.

Ins. by Notification No. 5 (5)-EV (A)/76 dated 10th August, 1976.
In Rule 10, sub-rule (4), shall be omitted by Central civil services (Pension) Amendment Rules, 2002, Published in the Gazette of India, Extra., Part II, Section 3(i), dated 1st February, 2002, p. 2, No. 62.

In the CENTRAL CIVIL SERVICES (PENSION) RULES, 1972, in Rule 10, sub-Rule (6), words "two years" shall be substituted in place of "one years", by the "CENTRAL CIVIL SERVICES (PENSION) (AMENDMENT) RULES, 2006".

Ins. by Notification No. 5 (5)-EV (A)/76, dated 10th August, 1976.
Renumbered Ins. by Notification No. 5 (5)-EV (A)/76, dated 10th August, 1976.

Subs. by Notification No. 38 (2)/81-Pension Unit, dated 30th April, 1981.

Ins. by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.
Omitted by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.

Subs. Omitted by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.

11. Restriction on practice in Income-tax and other cases after retirement :-

(1) No pensioner who, while in service, belonged to the Indian Revenue Service or who, having been a member of any other 2[Central Service Group A] retired from a post under the Department of Revenue and Insurance in the Ministry 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 President.

(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.

Explanation For the purposes of this rule,

(i) the expression "practice" means practice, either independently or as a partner of a firm 39[or a consultant or adviser] in matters relating to Income-tax, wealth-tax, duties of customs, duties of Central excise or estate duty, 40[or as representative] of assesseees in proceedings under the enactment relating to the levy of such tax or duty;

(ii) the expression "date of retirement" shall have the same meaning as in 41 [sub-rule (8) of rule 10.]

Subs. by Notification No. 38 (2)/81-Pension Unit, dated 30th April, 1981.

Subs. by corrigenda No. 6 (1)-EV (A)/74. dated 17th May. 1974.

Subs. by Notification No. 6 (2)-Pen. (A)/79. dated 1st August, 1980.

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

If a pensioner who, immediately before his retirement was a member of 42 [Central Service Group A] wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the Central 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 Central 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.

Explanation For the purposes of this rule. the expression "employment under any Government outside India" includes employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a member.

Subs. by Notification No. 6 (2)-Pen. (A)/79. dated 1st August,

1980.

CHAPTER 3

Qualifying Service

13. Commencement of Qualifying Service :-

Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity : Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post : Provided further that-

(a) in the case of a Government servant in a 43[Group D service or post] who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose, and

(b) in the case of a Government servant not covered by Cl. (a), service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

44 (c) the provisions of clause (b) shall not be applicable in the cases of counting of military service for civil pension under Rule 19 Subs. by Notification No. 6 (2)-Pen. (A)/79. dated 1st August, 1980.

Inserted by "Central Civil Services (Pension) Amendment Rules, 2003", Published the Gazette of India, Part II, Section 3(ii), dated 22nd November, 2003, p. 7259, No. 47

14. Conditions subject to which service qualifies :-

(1) The service of a Government servant shall not qualify unless 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 of India or a Local Fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(3) In the case of a Government servant belonging to a State Government, who is permanently transferred to a service or post to

which these rules apply, the continuous service rendered under the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, 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.

15. Counting of service on probation :-

Service on probation against a post if followed by confirmation in the same or another post shall qualify.

16. Counting of service as apprentice :-

Service as an apprentice shall not qualify, except in the case of S.A.S. apprentice in the Indian Audit and Accounts Department or the Defence Accounts Department.

17. Counting of service on contract :-

(1) A person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either-

(a) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service; or

(b) to agree to refund to the Government the monetary benefits referred to in Cl. (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid momentary benefits may have been payable.

(2) The option under sub-rule (1) shall be communicated to the Head of Office under intimation to the 45 [Accounts Officer] within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government servant is on leave on that day, within three months of his return from leave, whichever is later.

(3) If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government servant shall be deemed to have opted for the retention of the monetary benefits payable or paid to him on account of service rendered on

contract.

Subs. by Notification No. 6 (2)-Pen.(A)/79, dated 1st August. 1980.

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 earlier service in which case his former service shall not count as qualifying service, or

2(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 2[* * *] retirement gratuity including service gratuity, if any,

(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 pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of 2[* * *] retirement-gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation In this clause, the expression which was taken into account means the amount of pension including the pension equivalent of gratuity by which pay of the Government servant was reduced on initial re-employment and the expression which was not taken into account shall be construed accordingly.

2(2).

(a) The authority issuing the order of substantive appointment to a service or post as is referred to in subs-rule (1) shall alongwith such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of Cl. (b).

(b) If no option is exercised within the period referred to in Cl. (a), the Government servant shall be deemed to have opted for Cl. (a) of sub-rule (1).

(3) In the case of a Government servant who opts for Cl. (a) of sub-rule (1) the pension or gratuity admissible for his subsequent service is subject to the limitation, that service gratuity or the capital value of the pension and 50[* * *] retirement gratuity, if any, shall not be greater than the difference between the value of the pension and 51[* * *] retirement gratuity, if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

Note The capital value of pension shall be calculated in accordance with the Table prescribed by the President under the Civil Pensions (Commutation) Rules applicable at the time of the second or final retirement.

(4)

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

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

(5) In the case of a Government servant, who, having elected to refund the gratuity, dies before the entire amount is refunded the amount of unrefunded gratuity shall be adjusted against the death 52 [* * *] gratuity which may become payable to his family.

Subs. by Notification No. 6 (I)-Pen (A)/80, dated 30th July, 1981.

Subs. by Notification No. 3 (6)-EV (A)/75, dated 24th February, 1976.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

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

(1) 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 4[* * *] military service

7[*****], may. on his confirmation in a civil service or post. opt either-

(a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or

55(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 military pension, and

(iii) the amount of 56[* * *] retirement gratuity including service gratuity, if any,

(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 on re-employment shall be refunded by him,

(iii) the element of pension equivalent-of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of pay shall be set-off against the amount of 57[***] retirement-gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation In this clause, the expression which was taken into account means the amount of pension including the pension equivalent of gratuity by which the pay of the Government servant was reduced on initial re-employment, and the expression which was not taken into account shall be construed accordingly.

58(2)

(a) The authority issuing the order of substantive appointment to a civil service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of date of issue of such order, or if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of Cl. (b).

(b) If no option is exercised within the period referred to in Cl. (a), the Government servant shall be deemed to have opted for Cl. (a) of sub-rule (1).

(3)

(a) A Government servant who opts for Cl. (b) of sub-rule (1) shall be required to refund the pension, bonus or gratuity received in respect of his earlier military service, in

(b) The right to count previous service as qualifying service shall

not revive until the whole amount has been refunded.

(4) In the case of a Government servant who, having elected to refund the pension, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death 59[* * *] gratuity which may become payable to his family.

(5) When an order is passed under this rule allowing previous 60[* * *] 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.

61 [* * *]

The word regular omitted by Notification No. 6 (1)-Pen.(A)/80, dated 30th July, 1981

Omitted by Central Civil Services (Pension) Amendment Rules, 2003, Published the Gazette of India, Part II, Section 3(ii), dated 22nd November, 2003, p. 7259, No. 47

Subs. by The word regular omitted by Notification No. 6 (1)-Pen. (A)/80, dated 30th July, 1981.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 3 (6)-EV (A)/75, dated 24th February. 1976.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July. 1988.

Omitted by Notification No. 6 (1)-Pen (A)/80, dated 30th July. 1981.

20. Counting of war service rendered before civil employment :-

(1) A Government servant who, prior to his appointment in a civil service or post against war reserved or other permanent vacancy which arose for direct recruitment before the 1st January, 1948, had rendered satisfactory paid wholetime, enlisted or commissioned war service in the Armed Forces of India or in similar forces of a Commonwealth country during the period from the 3rd September, 1939 to the 1st April, 1946, which did not earn a service pension under the military rules, shall be allowed to count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, as qualifying service, subject to the following

conditions, namely :-

(a) in the case of a service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service;

(b) no contribution towards or share of pension earned as a result of counting war service rendered in a force of a Commonwealth country shall be claimed from the Government of that country;

(c) no refund of bonus or gratuity in respect of war service shall be demanded from the Government servant concerned.

(2) War service rendered by a Government servant .who was appointed substantively to a civil service or post against vacancies which arose after the 31st December, 1947, shall subject to the conditions specified in sub-rule (1), be treated as military service as provided in rule 19.

21. Counting of periods spent on leave :-

All leave during service for which leave salary is payable 1[and all extraordinary leave granted on medical certificate] shall count as qualifying service : Provided that in the case of extraordinary leave 63[other than extraordinary leave granted on medical certificate] the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant-

(i) 64 [* * *]

(ii) due to his inability to join or rejoin duty on account of civil commotion; or

(iii) for prosecuting higher scientific and technical studies.

Ins. by Notification No. 3 (12)-EV (A)/73.dated 5th September. 1973.

Omitted by Ins. by Notification No. 3(12)-EV (A)/73. dated 5th September. 1973.

22. Counting of periods spent on training :-

The Government may by order, decide whether the time spent by a Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

23. Counting of periods of suspension :-

Time passed by a Government servant under suspension pending

inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

24. 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.

25. 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.

26. Forfeiture of service on resignation :-

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, 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 permissible 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.

(4) The appointing authority may permit a person to withdraw his

resignation in the public interest on the following conditions, namely :-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper.

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days:

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or 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.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

27. 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 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.

(2) Notwithstanding anything contained in sub-rule (1), the 65 [appointing authority] may, by order commute retrospectively the periods of absence without leave as extraordinary leave.

Subs. by Notification No. 6 (1)-Pen(A)/79, dated 19th May. 1980.

28. Condonation of interruption in service :-

(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 including civil service rendered and paid out of Defence Services Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(b) Nothing in Cl. (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 Cl. (a) shall not count as qualifying service.

29. Addition to qualifying service when a Government servant is declared surplus :-

A Government servant who, on being declared surplus to the establishment in which he was serving, is eligible for the facility of being redeployed through the Central (Surplus Staff) Cell located in the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions or in the case of a Group D employee, through the Directorate General, Employment and Training and opts to retire voluntarily, instead of seeking redeployment, shall be entitled to have five years added to the qualifying service rendered by him : Provided that-

(a) notwithstanding anything contained in the first proviso to rule 13, the qualifying service rendered by such Government servant shall be not less than fifteen years on the date on which he exercises such option and the qualifying length of service after taking into account the aforesaid addition is not more than the service he could have rendered had he retired on the date of his

superannuation; and

(b) the option to retire is exercised and is communicated to the authority competent to sanction pension within a period of two months from the date from which the employee concerned has been declared surplus.

30. Addition to qualifying service in special circumstances

:-

[

(1) A Government servant 69 [who retires from a service or post] after 31st March, 1960, shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one-

(a) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty-five years of age are normally recruited: Provided that this concession shall not be admissible to a Government servant unless his actual qualifying service at the time he quits Government service is not less than ten years: Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule.

(2) A Government servant who is recruited at the age of thirty-five years or more, may, within a period of three months from the date of his appointment, elect to forgo his right to pension whereupon he shall be eligible to subscribe to a Contributory Provident Fund.

(3) The option referred to in sub-rule (2), once exercised, shall be final.

Subs. by Notification No. 38/57/87-P and PW. dated 27th July. 1987.

31. Period of deputation to United Nations and other Organisations :-

. A Government servant deputed on foreign service, for a period of 70[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, 71 [the Assian 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 Organisation and not count such service as qualifying for pension under these rules: Provided that where a Government servant opts for Cl. (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 contribution, if any, paid by the Government servant, shall be refunded to him.

Subs. by Notification No. 28/51/86-P and PW, dated 4th February. 1988.

Subs. by Notification No. 19 (28)-EV (A)/74, dated 17th June. 1975.

32. Verification of qualifying service after 25 years service- or five years before retirement :-

73(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 Accounts Officer 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, 74[* * *] the verification of his service may be done whenever such event occurs.

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

pension.

Subs. by Notification 6 (1)-Pen/A/79, dated 19th May, 1980.

Omitted by Notification 6 (1)-Pen/A/79, dated 19th May, 1980.

Subs. by Notification No. 4 (2)-EV (A)/77, dated 12th December, 1977.

CHAPTER 4

Emoluments and Average Emoluments

33. Emoluments :-

The expression "emoluments" means 1[basic] pay as defined in rule 77[9 (21) (a) (i)] of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death, 78[and includes non practising allowance granted to medical officers in lieu of private practice.]

Note 1If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule : Provided that any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

Note 2Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only in it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

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

79Note 4If a Government servant immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not withheld, such increment,

though not actually drawn, shall form part of his emoluments: Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

Note 5 80[* * *]

Note 6 Pay drawn by a Government servant while on deputation to the Armed Forces of India shall be treated as emoluments.

Note 7 Pay drawn by a Government servant while on foreign service shall not be treated as emoluments but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

81 [Note 8 Where a pensioner who is re-employed in Government service elects in terms of clause (a) of sub-rule (1) of rule 18 or clause (a) of sub-rule (1) of rule 19 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.]

Note 9 82[* * *]

83 [Note 10 When a Government servant has been transferred to an autonomous body consequent on the conversion of a Department of the Government into such a body and the Government servant so transferred opts to retain the pensionary benefits under the rules of the Government, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of this rule.]

Subs. by Notification No. 6 (2)-Pen.(A)/79. dated 1st August, 1986

Subs. by Notification No. 2/18/87-P and PW (PIC) dated 20th July, 1988

Subs. by Notification No. 6 (2) - Pen.(A)/79 dated, 1st August, 1980.

Omitted by Notification No. 6 (2)-Pen_(A)/79, dated 1st August, 1980.

Ins. by Notification No. 2 (3-EV (A)73, dated 16th July, 1975.

Omitted by Notification No. 6 (2)-Pen.(A)/79. dated 1st August, 1980.

Ins. by Notification No. 2 (5)-EV (A)/77. dated 30th June, 1977.

34. Average emoluments :-

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the 1[¹last ten months] of his service.

Note 1 If during the 1 [last ten months] of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments: Provided that any increase in pay (other than the increment referred to in Note 3 which is not actually drawn shall not form part of his emoluments.

Note 2 If, during the 86 [last ten months] of his service, a Government servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

87 [Note 3 In the case of a Government servant who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment, though not actually drawn shall be included in the average emoluments: Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days. Subs. by Notification No. 6 (1)-Pen.(A)/79. dated 19th May. 1980. Subs. by Notification No. 6 (2)-Pen.(A)/79 dated 1st August. 1980.

CHAPTER 5

Classes of Pensions and Conditions Governing Their Grants

35. Superannuation pension :-

A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement.

36. 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 88[***] rule 4889 [or rule 48A] of these rules, or rule 56 of the Fundamental Rules or Article 459 of the Civil Service Regulations; and
- (b) to a Government servant who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of rule

29 of these rules.

Omitted by Notification No. 6 (1)-Pen(A)/80. dated 30th July, 1981.

Ins. by Notification No. 7 (2)-EV (A)/73. dated 28th November, 1978.

37. 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. 90[* * *] Provided 91[* * *] that no declaration regarding absorption in the public interest in a service or post in or under such corporation, company or body shall be required in respect of a Government servant whom the Government may, by order, declare to be a scientific employee. 92 [* * *]

Proviso omitted by Notification No. 4 (1)-EV (B)/73. dated 8th October, 1975.

The word "further" omitted by Notification F-19 (12)-EV (A)/76, dated 28th July, 1976.

Proviso omitted by Notification No. 38(4)-Pen.(A), dated 8th August, 1988.

37A. Conditions For Payment Of Pension On Absorption Consequent Upon Conversion Of A Government Department Into A Central Autonomous Body Or A Public Sector Undertaking :-

93 (1) On conversion of a department of the Central Government into a public sector undertaking or an autonomous body, all Government servants of that Department shall be transferred en-masse to that public sector undertaking or autonomous body, as the case may be, on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking or body, as the case may be, and such transferred Government servants shall be absorbed in the public sector undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government.

(2) The Central Government shall allow the transferred Government servants an

option to revert back to the Government or to seek permanent absorption in the public sector undertaking or autonomous body, as the case may be.

(3) The option referred to in sub-rule (2) shall be exercised by every transferred Government servant in such manner and within such period as may be specified by the Government.

(4) The permanent absorption of the Government servants as employees of the public sector undertaking or autonomous body shall take effect from the date on which their options are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be Government servants and they shall be deemed to have retired from Government service.

(5) Upon absorption of Government servants in the public sector undertaking or autonomous body, the posts which they were holding in the Government before such absorption shall stand abolished.

(6) The employees who opt to revert to Government service shall be re-deployed through the surplus cell of the Government.

(7) The employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the public sector undertaking or autonomous body, shall on and from the date of absorption, be governed by the rules and regulations or bye-laws of the public sector undertaking or autonomous body, as the case may be.

(8) A permanent Government servant who has been absorbed as an employee of a public sector undertaking or autonomous body shall be eligible for pensionary benefits on the basis of combined service rendered by him in the Government and in the public sector undertaking or autonomous body in accordance with the formula for calculation of pension/family pension under these rules as may be in force at the time of his retirement from the public sector undertaking or autonomous body, as the case may be.

(9) The pension of an employee under sub-rule (8) shall be calculated on the basis of his last ten months average pay.

(10) In addition to pension or family pension, as the case may be, the employees shall also be eligible to dearness relief as per industrial dearness allowance pattern.

(11) The benefits of pension and family pension shall be available to quasi-permanent and temporary transferred Government servants after they have been confirmed in the public sector undertaking or autonomous body.

(12) The Central Government shall create a Pension Fund in the form of a trust and the pensionary benefits of absorbed employees shall be paid out of such Pension Fund.

(13) The Secretary of the administrative Ministry of the public sector undertaking or autonomous body shall be the Chairperson of the Board of Trustees which shall include representatives of the Ministries of Finance, Personnel, Public Grievances and Pensions, Labour, concerned public sector undertaking or autonomous body and their employees and experts in the relevant field to be nominated by the Central Government.

(14) The procedure and the manner in which pensionary benefits are to be sanctioned and disbursed from the Pension Fund shall be determined by the Government on the recommendation of the Board of Trustees.

(15) The Government shall discharge its pensionary liability by paying in lump sum as a one time payment to the Pension Fund the pro rata pension or service gratuity and retirement gratuity for the service rendered till the date of absorption of the Government servant in the public sector undertaking or autonomous body.

(16) The manner of sharing the financial liability on account of payment of pensionary benefits by the public sector undertaking or autonomous body shall be determined by the Government.

(17) Lump sum amount of the pro rata pension shall be determined with reference to Commutation Table laid down in Central Civil Services (Commutation of Pension) Rules, 1981.

(18) The public sector undertaking or autonomous body shall make pensionary contribution to the Pension Fund for the period of service to be rendered by the concerned employees under that undertaking or body at the rates as may be

determined by the Board of Trustees so that the Pension Fund shall be self-supporting.

(19) If, for any financial or operational reason, the Trust is unable to discharge its liabilities fully from the Pension Fund and the public sector undertaking or autonomous body is also not in a position to meet the shortfall, the Government shall be liable to meet such expenditure and such expenditure shall be debited to either the Fund or to the public sector undertaking or autonomous body, as the case may be.

(20) Payments of Pensionary benefits of the pensioners of a Government Department on the date of conversion of it into a public sector undertaking or autonomous body shall continue to be the responsibility of the Government and the mechanism for sharing its liabilities on this account shall be determined by the Government.

(21) Nothing contained in sub-rules (12) to (20) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

(22) For the purposes of payments of pensionary benefits including family pension referred to in sub-rule (21), the Government shall specify the arrangements and manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.

(23) The arrangements under sub-rule (22) shall be applicable to the existing pensioners and to the employees who are deemed to have retired from the Government service for absorption in Bharat Sanchar Nigam Limited and shall not apply to the employees directly recruited by the Bharat Sanchar Nigam Limited for whom it shall devise its own pension scheme and make arrangements for funding and disbursing the pensionary benefits.

(24) Upon conversion of a Government department into a public sector undertaking or autonomous body (a) the balance of provident fund standing at the credit of the absorbed employees on the date of their absorption in the public sector undertaking or autonomous body shall, with the consent of such undertaking or body, be transferred to the new Provident Fund Account of the employees in such undertaking or body, as the case may be; (b) earned leave and half pay leave at the credit of the employees on the date of absorption shall stand transferred to such undertaking or body, as the case may be; (c) the dismissal or removal from service of the public sector undertaking or autonomous body of any employee after his absorption in such undertaking or body for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment the decisions of the undertaking or body shall be subject to review by the Ministry administratively concerned with the undertaking or body.

(25) In case the Government disinvests its equity in any public sector undertaking or autonomous body to the extent of fifty-one per cent or more, it shall specify adequate safeguards for protecting the interests of the absorbed employees of such public sector undertaking or autonomous body.

(26) The safeguards specified under sub-rule (25) shall include option for voluntary retirement or continued service in the undertaking or body, as the case may be, or voluntary retirement benefits on terms applicable to Government employees or employees of the public sector undertaking or autonomous body as per option of the employees, assured payment of earned pensionary benefits with relaxation in period of qualifying service, as may be decided by the Government."

Inserted by the Central Civil Services (Pension) Amendment Rules, 2000

38. 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.

(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 a Gazetted Government servant and of a non-gazetted Government servant whose pay, as defined in Rule 9(21) of the Fundamental Rules, exceeds 95[two thousand two hundred rupees] per mensem;

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

Note 1 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 the intention of the applicant to appear before the medical authority. The medical authority shall also be supplied by the Head of the Office or Department in which the applicant is employed with a statement of what appears from official records to be the age of the applicant. If a service book is being maintained for the applicant, the age recorded therein should be reported.

Note 2 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 lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(5) 96 [* * *]

Subs. by Notification No. 2/18/87-P and PW (PIC). dated 20th July, 1988.

Omitted by Notification No. 6(2)-Pen. (A)/79 dated, 1st August. 1980.

39. 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 to those of his own, have the option-

(a) of taking compensation pension 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 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.

40. 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 1[full compensation pension] or gratuity or both admissible to him on the date of his compulsory retirement.

98[* * *]

(2) Whenever in the case of a Government servant the President

passes an order (whether original, appellate or the exercise of power of review) awarding a pension less than the 99[full compensation pension] admissible under these rules, the Union Public Service Commission shall be consulted before such order is passed.

Explanation In this sub-rule, the expression "pension" includes gratuity.

(3) A pension granted or awarded under sub-rule (1) or as the case may be, under sub- rule (2), shall not be less than 100 [the amount of rupees three hundred seventy five per mensem].

Proviso omitted by Notification No. 6 (2) Pen.(A)/79, dated 1st August, 1980.

Subs by Notification No. Q-1801 1/2/75-EV (A), dated 10th April, 1975.

Subs. by Notification No. 2/18/87/ P and PW (PIC), dated 20th July, 1988.

41. 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 101[compensation pension]

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than 102 (the amount of rupees three hundred seventy five per mensem).

Subs by Notification No. Q-1801 1/2/75-EV (A), dated 10th April, 1975.

Subs. by Notification No. 2/18/87/ P and PW (PIC), dated 20th July, 1988.

CHAPTER 6
CHAPTER 6

42. Section 42 :-

[Omitted].

43. Section 43 :-

[Omitted].

44. Section 44 :-

[Omitted].

45. Section 45 :-

[Omitted].

46. Section 46 :-

[Omitted].

CHAPTER 7

REGULATION OF AMOUNTS OF PENSIONS 5[* * *]

47. Section 47 :-

104 [* *] Omitted.

The words "OF POST-1938 ENTRANTS and rule 47 omitted by Notification No. 6 (2)-Pen.(A)/79. dated 1st August, 1980.

48. Retirement on completion of 30 years qualifying service

:-

105(1) At any time after a Government servant has completed thirty years qualifying service,-

(a) he may retire from service, or

and in the case of such retirement the Government servant shall be entitled to a retiring pension: Provided that-

(a) a Government servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and

(b) the appointing authority may also 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.

106[Provided further that where the Government servant giving notice under Cl. (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule. 107[Provided further that the provisions of Cl. (a) of this sub-rule shall not apply to a government servant, including scientist or technical expert who is-

(i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes,
(ii) posted abroad in foreign based offices of the Ministries/Departments,
(iii) on a specific contract assignment to a foreign government, unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year,
108(1A)

(a) A Government servant referred to in clause (a) of the first proviso to sub- rule (1) may, make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefor;

(b) on receipt of a request under clause (a) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that curtailment of the period of notice will not cause any administrative inconvenience, appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

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

109 (3) For the purpose of this rule the expression appointing authority shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

Ins. by Notification No. 6 (8)-EV (A)/73, dated 25th January, 1974.

Ins. by Notification No. 6 (8)-EV (A)/73, dated 25th January, 1974.

Ins. by Notification No. 38/15/85-Pension Unit. dated 1st July, 1985.

Ins. by Notification No. 7 (10)-EV/77, dated 31st August, 1977

Ins. by Notification No. 7 (2)-EV (A)/73. dated 28th November. 1978.

48A. Retirement On Completion Of 20 Years Qualifying Service :-

(1) At any time after a Government servant has completed twenty years qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service. 111[Provided that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is-

- (i) on assignments under the India Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes,
- (ii) posted abroad in foreign based offices of the Ministries/Departments,
- (iii) on a specific contract assignment to a foreign government. Unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year,

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointment authority : Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) 112[* *]

113(3A)

(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 therefor:

(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 on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period 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 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 114 [* * *] retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as defined under rule 33 and Rule 34 and the increase not exceeding five years in his qualifying service shall not entitled 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-

(a) retires under rule 29, or

(b) retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

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

Ins. by Notification No. 38/15/85-P and PW. dated 1st July, 1985.

Omitted by Notification No. 32/1/83-Pension Unit, dated 26th August, 1983

Ins. by Notification No. 31-3-80 Pension Unit, dated 5th March, 1981.

Omitted by Notification No. 38/2/18/87-P.and PW (PIC), dated 20th July, 1988.

48B. 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 48(1)(a) or Rule 48A or Cl. (k) of r.56 of the Fundamental Rules or Cl. (i) of Art. 459 of the Civil Service Regulations, with or

without permission, 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 superannuation.

(2) The weightage of five years under sub-rule (1) shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under Rule 48(1)(b) or FR 56 (j).]

49. Amount of pension :-

(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 per cent of average emoluments, subject to a maximum of four thousand and five hundred rupees per mensem.

(b) in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty three years but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under Cl. (a) and in no case the amount of pension shall be less than 5[rupees three hundred seventy-five per mensem;

(c) notwithstanding anything contained in Cl. (a) and Cl. (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 54.

117[(3) In calculating the length of qualifying service, fraction of a year to 118[(three] months and above shall be treated as a completed one-half year and reckoned as qualifying service.

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

120(5) [* * *]

121 (6)[* * *]

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1980.

Subs. by Notification No. 38 (4)-Pen.(A)/80. dated 8th August. 1980.

Subs. by Notification No. 32/4/83-Pension Unit, dated 26th August, 1983

Subs. by Notification No. 38 (4)-Pen.(A)/80, dated 8th August, 1980.

Omitted by Notification No. 38 (4)-Pen.(A)/80, dated 8th August, 1980.

50. Retirement gratuity/Death gratuity :-

1[* * *]

(1)

(a) A Government servant, who has completed five years qualifying service and has become eligible for service gratuity or pension under rule 49, shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, 4[subject to maximum of 16« times] the emoluments].

5(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 51 at the rates given in the Table below, namely :-
6[two Lakh and fifty thousand 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 including ad hoc increment, if any, together with the 126[* * *] 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) of rule 51.

(3).....

127(4) Omitted.

(5) The emoluments for the purpose of gratuity admissible under this 128[* * *] rule shall be reckoned in accordance with rule 33 :
129[Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service otherwise than as penalty, average emoluments as referred to in rule 34 shall

be treated as emoluments.

(6) For the purposes of this rule and rule 51, Rule 52 and rule 53, family, in relation to a Government servant, means-

(i) wife or wives 130[including judicially separated wife or wives] in the case of a male Government servant,

(ii) husband 131 [including judicially separated husband] in the case of a female Government servant,

(iii) sons including seep sons 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 permits adoption.

(vii) mother, including adoptive parents in the case of individuals whose personal law permits adoption.

(viii) brothers below the age of eighteen years including step brothers.

(ix) unmarried sisters and widowed sisters including step sisters,

(x) married daughters, and

(xi) children of pre-deceased son.

Omitted by Notification No. 2/18/87-Pand PW, dated 20th July, 1988.

Subs. Omitted by Notification No. 2/18/87-Pand PW, dated 20th July, 1988.

Subs. by G.S.R. 177, dated 17th, March 1997 published in the Gazette of India, Pt. II, Sec. 3 (i) dated 5th April, 1997.

Omitted Subs. by G.S.R. 177, dated 17th, March 1997 published in the Gazette of India, Pt. II, Sec. 3 (i) dated 5th April, 1997.

Subs. by Notification No. 6 (1)-Pen,(A)/79, dated 19th May, 1980.

Ins. by Notification No. 7 (3)-EV (B)/74, dated 10th September, 1974.

51. Persons to whom gratuity is payable :-

(1)

(a) The gratuity payable under rule 50 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 53;

(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 Cl. (i), (ii), (iii) and (iv) of sub-rule (6) of rule 50 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 Cls. (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub-rule (6) of rule 50, 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 50 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 re-marries, 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 50 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

51A. 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 51, 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 51].

52. 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 50 shall lapse to the Government.

53. 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 may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the retirement gratuity/death gratuity payable under rule 50 : 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 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 individual 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 Cl. (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 3[Head of office] :

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under Cl. (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 135[Head of Office] a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

136[(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 137 [Head of Office].

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 6 (1)-Pen (A)/79. dated 19th May, 1980.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

54. Family Pension, 1964 :-

(1) The provisions of this rule shall apply -

(a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and

(b) to a Government servant who was in service on the 31st December, 1963 and came to be governed by the provisions of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance Office Memorandum, No. 9 (16)-EV (A)/63, dated the 31st December, 1963, as in force

immediately before the commencement of these rules.

4[NoteThe provisions of this rule will also extend, from 22nd September, 1977, to Government servants on pensionable establishments who retired/died before 31-12- 1963 as also to those who were alive on 31-12-1963 but had opted out of 1964 Scheme.]

(2) 2[* * *] Without prejudice to the provisions contained in sub-rule (3) where a Government servant dies-

10(a) after completion of one year of continuous service, or

10(aa) before completion of one year of continuous service provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service,

2(b) after retirement from service and was on the date of death in receipt of pension, or compassionate allowance, referred to in Chapter V, other than the pension referred to in rule 37,

2[which shall be determined in accordance with the Table below :-

12[ExplanationThe expression continuous one year of service wherever it occurs in the this rule shall be construed to include less than one year of continuous service as defined in Cl. (aa)].

12[(2-A) The amount of family pension shall be fixed at monthly rates and expressed inwhole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee: Provided that in no case family pension in excess of the maximum ^[prescribed under this rule] shall be allowed].

(3)

11[(a)

(i) 19[* * *] Where a Government servant, who is not governed by the Workmens Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to 50 per cent. of the pay last drawn or twice the family pension admissible under sub-rule (2), whichever is less, and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of seven years, or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.

(ii) In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period upto the date

on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever is less : Provided that in no case the amount of family pension determined under 19[sub-clause (ii) of] this clause shall exceed the 25[pension authorised on retirement] from Government service: Provided further that where the amount of 25[pension authorized on retirement] is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

Explanation For the purpose of this sub-clause, 29[pension authorised on retirement] includes the part of the pension which the retired Government servant may have commuted before death.]

(b)

(i) Where a Government servant, who is governed by the Workmens Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years, continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2), whichever is less.

(ii) The family pension so determined under sub-clause (i) shall be payable for the period mentioned in Cl. (a): Provided that where a compensation is not payable under the aforesaid Act, 19[the Head of Office] shall send a certificate to the [Accounts Officer] to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act, and the family shall be paid family pension on the scale, and for the period, mentioned in Cl. (a).

(c) After the expiry of the period referred to in Cl. (a), the family, in receipt of family pension under that clause or Cl. (b), shall be entitled to family pension at the rate admissible under sub-rule (2).

154[(4) Where an award under the Central Civil Services (Extraordinary Pension) Rules is admissible, no family pension under this rule shall be authorised.]

(5) 155[* * *]

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

(i) in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier:

(ii) in the case of a son, until he attains 156[the age of twenty-five years]; and

(iii) in the case of an unmarried daughter, until she attains 157[the age of twenty- five years] or until she gets married, whichever is earlier :

158[Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind 159["including mentally retarded"]or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 160[twenty-five years] the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

(i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in Cl. (iii) of sub-rule (8) of this rule until the last minor child attains the age of 161[twenty-five years] as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life;

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

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

(b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life-time of the elder:

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

(iv) before allowing the family pension for life to any such son or daughter, the 162[appointing authority] shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;

(v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

163(vi) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on.

164[Explanations

(a) Only that disability which manifests itself before the retirement or death of the Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule.

(b) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

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

(d) In such cases it shall be the duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood; (ii) in case of daughter, that she has not yet married.]

(7)

(a)

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

(ii) On the death of widow, her share of the family pension shall become payable to her eligible child.

(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.

(8)

(i) Except as provided in sub-rule (7), 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) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain 165[the age of twenty-five years] and thereby become

ineligible for the grant of family pension.

(9) 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 Cl. (ii) or Cl. (iii) of sub-rule (6), as the case may be, and after expiry of that period the next child shall become eligible for the grant of family pension.

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

(11) In case both wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of 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 sub-rule (3), the amount of both the pensions shall be limited to 166[two thousand and five hundred rupees] per mensem;

(ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3) and in lieu thereof the pension at the rate mentioned in sub-rule (2), becomes payable, the amount of both the pensions shall also be limited to 167[two thousand and five hundred rupees] per mensem;

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to 168[one thousand two hundred and fifty rupees] per mensem.

169(11A) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving :
170 Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the Government servant takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving
171 [if such person surviving was held guilty of committing adultery].

172[(11B)

(a) Where a female Government servant or male Government

servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children].

173[(11C)

(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 offence, 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 Cl. (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 Cl. (a) and Cl. (b) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement].

(12)

(a)

174[(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 175[Head of Office] any subsequent change in the size of his family, including the fact of marriage of his female child.

176[(c)

(i) The Head of Office shall, on receipt of the said Form 3, 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.]

177[(d) and (e)-Omitted].

(13) The ad hoc increase in pension, sanctioned in the Ministry of Finance Office Memorandum No. 15 (13)-EV (A)/63, dated the 16th October, 1963, as amended from time to time, shall not be payable to the family in receipt of a family pension under this rule.

178[(13-A) 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 admissible under this rule or 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 in a temporary capacity in the course of re-employment, his family may be allowed to opt for the family pension admissible under this rule or the family pension authorised at the time of his retirement or discharge from the military service under Army Instruction 2/S/64 or the corresponding Navy or Air Force Instruction,

(ii) if he retires from civil service or civil post without holding a permanent post in a substantive capacity, his family in the event of his death after retirement shall be eligible for family pension authorised under Army Instruction 2/S/64 or corresponding Navy or Air Force Instruction,

(iii) if on confirmation in a civil service or a civil post in the course of his re-employment, he has opted to retain military pension for the past military service in terms of Cl. (a) of sub-rule (1) of rule 19 of these rules, he shall exercise another option to receive family pension admissible under this rule or the family pension, already authorised under Army Instruction No. 2/S/64 or the corresponding Navy or Air Force Instruction. The option shall be exercised

(iv) if on confirmation in a civil service or civil post in the course of re-employment he, in terms of Cl. (b) of sub-rule (1) or rule 19 of these rules, has opted to surrender military pension and count in lieu thereof military service for civil pension, he shall be governed by family pension admissible under this rule.

179[(13B) Family pension admissible under this rule 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 a 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 this rule may opt to receive family pension under this rule if he foregoes family pension admissible from any other source;]

(14) For the purposes of this rule,-

(a) "continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include-

(i) period of suspension, if any, and

(ii) period of service, if any, rendered before attaining the age of eighteen years:

(b) "family" in relation to a Government servant means-

(i) wife in the case of a male Government servant or husband in the case of a female Government servant, provided the marriage took place before retirement of the Government servant.

180[Note 1 Omitted].

1812 [Note 2 Omitted].

182(ia) a judicially separated wife or husband, such separation not being granted on the ground of adultery, provided the marriage took place before retirement of the Government servant and the person surviving was not found guilty of committing adultery;

(ii) son who has not attained the age of 183[twenty-five years and unmarried daughter who has not attained the age of twenty-five years] including such son and daughter adopted legally before retirement 184[but shall not include son or daughter born after retirement].

185[(c) pay means-

(i) the emoluments as specified in rule 33, or

(ii) the average emoluments as referred to in rule 34 if the emoluments of the deceased Government servant have been reduced during the last ten months of his service otherwise than as penalty :

(15) Nothing contained in this rule shall apply to-

(a) a re-employed Government servant who had retired before the 1st January, 1964, from-

(i) civil service on retiring pension or superannuation pension, or

(ii) military service on retiring pension, service pension or invalid

pension, and who on the date of re-employment, had attained the age of superannuation applicable to the post in which he is re-employed;

186[(b) a military pensioner who retired from military service on or after the 1st January, 1964 and who on the date of re-employment in a civil service or civil post had attained the age of superannuation applicable to the post in which he is re-employed;

187[(c) a Government servant referred to in rule 37, who on absorption in a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is governed by the provisions of the family pension scheme of the corporation or company or body, as the case may be more]

188 (16) [* * *]

Ins. by Notification No. 2/18/87-P and PW (PIC). dated 20th July, 1988.

Subs. by *ibid*.

Subs. by Notification No. 2/18/87-P-4 PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 6 (6) EV (A)/75, dated 29th January, 1974.

Ins. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

Ins. by Notification No. 6 (8)-EV (A)/73 dated 25th January, 1974

Subs. by Notification No. 19 (2)-EV (A)/76. dated 23rd August. 1976.

Subs. by Notification No. 19 (30)-EV(A)/78. dated 17th October, 1978.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May. 1980.

Omitted by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

Ins. by Notification No. 1 (3)-EV (B)/74, dated 30th September. 1974.

[12] Inserted vide " THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972" Dt. 30th January, 1999 Published in [147] Ministry of Personnel, P.G. and Pension (Deptt of Personnel and Training), Noti. No. S.O. 258, dated January 13, 1999, published in the Gazette of India, Part II, Section 3(ii), dated 30th January, 1999, p. 583, No. 5 [No. I/9/96-PandPW(E)] [L]

Subs. by Notification No. 2/18/87-P and PW (PIC) dated 20th July, 1988.

Subs. by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.

Subs. by Notification No. 31 (4)-Pen/80. dated 21st April, 1987.

[13]Inserted vide " THE CENTRAL CIVIL SERVICES (PENSION)RULES, 1972" Dt.30th January, 1999Published in [147] Ministry of Personnel, P.G. and Pension (Deptt of Personnel and Training), Noti. No. S.O. 258, dated January 13, 1999, published in the Gazette of India, Part II, Section 3(ii), dated 30th Janua, 1999, p. 583, No. 5 [No.1/9/96-PandPW(E)] [L]

Ins. by Notification No. 11 (4)-Pu/79. dated 10th July, 1979 (w.e.f. 23rd September, 1977).

Subs. by Notification No. 2/18/87-P and PW (PIC). dated 20th July, 1988.

Ins. by Notification No. F. 6 (4)-EV (A)/74, dated 20th November, 1974.

Ins. by Notification No. 1 (11)-EV (B)/76, dated 27th May, 1977.

Ins. by Notification No. 1 (11)-EV (B)/76 dated 30th March, 1978.

Ins. by Notification No. F-6 (4)-EV (A)/74, dated 20th November, 1974.

Ins. by Notification No. 1 (5)-EV (B) Pen.(A)/78, dated 25th August, 1980.

Subs. by Notification No. 6 (1) -Pen.(A)/79, dated 19th May, 1980.

Omitted Subs. by Notification No. 6 (1) -Pen.(A)/79, dated 19th May, 1980.

Ins. by Notification No. 1 (13)-Pen (A)/80, dated 18th February, 1981.

Ins. by Notification No. 1/2/85-Pension Unit, dated 14th November, 1985.

Omitted by Notification No. 6 (4)-EV (A)/74 dated 20th November, 1974.

Subs. by Notification No. 1(11)-EV (B)/76. dated 30th March. 1978.

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Ins. by Notification No. 19 (2)-IV (A)/76. dated 23rd August. 1976.

Subs. by Notification No. 38 (4)-Pen. (A)/80. dated 8th August. 1980.

Subs. by Notification No. 1 (13)-Pen.(A)/80, dated 18th February, 1981.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

Omitted by Notification No. 1 (13)-Pen.(A)/80 dated 18th February, 1980.

55. Section 55 :-

189 [* * *].

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

CHAPTER 8

Determination and Authorisation of the amounts of pension and gratuity

56. 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 Accounts Officer concerned not later than the 31 st 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 Accounts Officer concerned, 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 Accounts Officer under sub-rule (3) shall also be endorsed to the Directorate of Estates if the Government servant concerned is an allottee of Government accommodation.

57. Intimation to the Directorate of Estates regarding issue of "No Demand Certificate" :-

(1) The Head of Office shall write to the Directorate of Estates 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.

(2) On receipt of the intimation under sub-rule (1), the Directorate of Estates shall take further action as provided in rule 72.

58. 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.

59. 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 58 in the following three stages:

(a) First Stage 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 of 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) 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), the Government servant shall be asked to file a written statement 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.

(v) 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.

(b) Second Stage Making good omission in the service book

(i) The Head of Office while scrutinising 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 effect shall be made to complete the verification of service as in Cl. (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause. Any omissions, imperfection 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 Cl. (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(iii) Calculation of average emoluments For the purpose of calculation of average emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn during the last ten months of service. In order to ensure that the emoluments during the last ten months of service have been correctly shown in the service book, the Head of Office may verify the correctness of emoluments for the period of twenty-four month is only preceding the date of retirement of a Government servant, and not for any period prior to that date.

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

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

60. 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.

61. Forwarding of pension papers to Accounts Officer :-

(1) After complying with the requirement of rule 59 and rule 60, the head of Office shall forward to the Accounts Officer 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 documents 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 Accounts Officer.

(4) The papers referred to in sub-rule (1) shall be forwarded to the Accounts Officer not later than six months before the date of retirement of Government servant.

62. Intimation to Accounts Officer regarding any event having bearing on pension :-

.If, after the pension papers have been forwarded to the Accounts Officer within the period specified in sub-rule (4) of rule 61, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Accounts Officer by the Head of Office.

63. Intimation of the particulars of Government dues to the Accounts Officer :-

(1) The Head of Office after ascertaining and assessing the Government dues as in rule 71, shall furnish the particulars thereof to the Accounts Officer 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 Accounts Officer under sub-rule (1), any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to Accounts Officer.

64. Provisional pension :-

(1) The various stages of action laid down in Rule 59 shall be strictly followed by the Head of Office. There may be an isolated case where in spite of following the procedure laid down in rule 59, it may not be possible for the Head of Office to forward the pension papers referred to in rule 61 to the Accounts Officer within the period prescribed in sub-rule (4) of that rule, or where the pension papers have been forwarded to the Accounts Officer within the prescribed period but the Accounts Officer 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 drawn during the last ten months in service but excluding the breaks and other non-qualifying period of service.

(2) The Government servant while furnishing the statement as in Cl. (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 191[* * *] 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 letter addressed to the Government servant endorsing a copy thereof to the Accounts Officer authorizing-

(i) 100 per cent. of pensions as determined under sub-rule (3) as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the Government servant; and

(ii) 100 per cent. of the gratuity as provisional gratuity as determined under sub-rule (3) withholding ten per cent. of gratuity or one thousand rupees, whichever is less.

(b) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub-rule (1) of rule 63. After issue of the sanction letter he shall draw-

(i) the amount of provisional pension; and

(ii) the amount of provisional gratuity after deducting therefrom the amount mentioned in sub-clause (ii) of Cl. (a) and the dues, if any, mentioned in rule 71,

(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.

192 [(6)

(a) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of the Government servant. If the amount of final pension and the amount of final gratuity had been determined by the Head of Office in consultation with the Accounts Officer before the expiry of the said period of six months, the Accounts Office shall-

(i) issue the pension payment order, and

(ii) direct the Head of Office to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of Cl. (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 Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (ii) of Cl. (a) of sub-rule (4) or recover the excess amount of pension in instalments by making short payments of the pension payable in future.

(c)

(i) If the amount of provisional gratuity disbursed by the Head of Office under sub-rule (4) is larger than the amount finally assessed, the retired Government servant shall not be required to refund the excess amount actually disbursed to him.

(ii) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimised and the officials responsible for the excess payment shall be accountable for the overpayment.

(7) If the final amount of pension and gratuity have not been determined by the Head of Office in consultation with the Accounts Officer within a period of six months referred to in Cl. (a) of sub-rule (6), the Accounts Officer shall treat the provisional pension and gratuity as final and issue pension payment order immediately on the expiry of the period of six months.

(8) As soon as the pension payment order has been issued by the

Accounts Officer under Cl. (a) of sub-rule (6) or sub-rule (7), the Head of Office shall take steps to refund the amount of withheld gratuity under sub-clause (ii) of Cl. (a) of sub-rule (4) to the retired Government servant after adjusting Government dues which may have come to notice after the payment of provisional gratuity under sub-clause (ii) of Cl. (b) of sub-rule (4). If the Government servant was an allottee of Government accommodation, the withheld amount should be refunded on receipt of No Demand Certificate from the Directorate of Estates.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Subs. by Notification No. 30(11)/80. Pension Unit, dated 22nd October, 1981.

65. Authorisation of pension and gratuity by the Accounts Officer :-

(1)

(a) On receipt of pension papers referred to in rule 61, the Accounts Officer 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 Accounts Officer shall send the pension payment order along with a copy of Form 7 and the account encasement to the Accounts Officer of that unit for arranging payment.

(2) The amount of gratuity as determined by the Accounts Officer under Cl. (a) of sub-rule (1) shall be intimated to the Head of Office with the remarks that the amount of the gratuity may be drawn and disbursed by the Head of Office to the retired Government servant after adjusting the Government dues, if any, referred to in rule 71.

(3) The amount of gratuity withheld under sub-rule (5) of rule 72 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Directorate of Estates and the balance, if any, refunded to the retired Government servant.

66. Payment of provisional pension and gratuity through money order :-

If the provisional pension or gratuity or both sanctioned under sub-rule (4) of rule 64, is desired to be paid by the pensioner through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost : Provided that in the case of any pensioner who has been authorised payment of provisional pension 193 [not exceeding five hundred rupees per mensem] (exclusive of the amount of relief on pension) that amount shall at the request of the pensioner, be remitted to him by money order at Government expense.

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

67. Government servants on deputation :-

(1) In the case of a Government servant who retires while on deputation to another Central Government Department, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

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

68. Interest on delayed payment of gratuity :-

(1) If the payment of gratuity has been authorised after three months from the date when its payment became 194[at such rate as may be prescribed by the Government from time to time in this behalf] on the amount of gratuity in respect of the period beyond three months shall be paid : Provided that the delay in the payment was not caused on account of failure on the part of the Government servant to comply with the procedure laid down in this Chapter.

195 (2) Every case of delayed payment of gratuity shall be considered by the Secretary of the Administrative Ministry or the Department in respect of its employees and the employees of its attached and subordinate offices and where the Secretary of the Ministry or the Department is satisfied that the delay in the

payment of gratuity was caused on account of administrative lapse, the Secretary of the Ministry or the Department shall sanction payment of interest,

(3) The Administrative Ministry or the Department shall issue Presidential sanction for the payment of interest after the Secretary has sanctioned the payment of interest under sub-rule (2).

(4) In all cases where the payment of interest has been sanctioned by the Secretary of the Administrative Ministry or the Department, such Ministry or the Department shall fix the responsibility and take disciplinary action against the Government servant or servants who are found responsible for the delay in the payment of gratuity.

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

(a) grant of emoluments higher than the emoluments on which gratuity already paid, was 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 gratuity shall be paid.

Subs. by Notification No. 7/3/84-Pension Unit, dated 17th November, 1984.

Subs. by Notification No. 7/13/85-P and PW, dated 12th March, 1986.

69. 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 9, the Accounts Officer 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.

(b) The provisional pension shall be authorised by the Accounts Officer 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. 196 [Provided that where departmental proceedings have been instituted under rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, for imposing any of the penalties specified in Cls. (i), (ii) and (iv) of rule 11 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.

Ins. by Notification No. 30/2/80-Pension Unit, dated 13th February, 1981.

70. Revision of pension after authorisation :-

(1) Subject to the provisions of rule 8 and Rule 9, 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 the Department of Pensions and Pensioners Welfare 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 payments of pension in future, in one or more instalments, as the Head of Office may direct.

71. 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 197 [* * *] retirement gratuity becoming payable.

(3) The expression Government dues includes-

(a) dues pertaining to Government accommodation including arrears of licence fee, 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 and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961).

Omitted by Notification No. 2/18/87-P and PW (PIC) .dated 20th July. 1988.

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

(1) Directorate of Estates on receipt of intimation from the Head of Office under sub-rule (1) of rule 57 regarding the issue of No Demand Certificate shall scrutinise its records and inform the Head of Office eight months before the date of retirement of the allottee, if any, licence fee was recoverable from him in respect of the period prior to eight month of his retirement. If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight month of his retirement.

(2) The Head of Office shall ensure that licence fee 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 intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office of shall ensure that

(4) The Directorate of Estates shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of two months beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the un- recovered licence fee, if any, mentioned in sub-rule (3).

(5) If in any particular case, it is not possible for the Directorate of

Estates to determine the outstanding licence fee that Directorate shall inform the Head of Office that ten per cent. of the gratuity or one thousand rupees, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of two months after the date of retirement of the allottee shall be the responsibility of the Directorate of Estates.

Note For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.

73. 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 Cl. (b) of sub-rule (3) of Rule 71, the Head of Officer 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 dues 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 198 [***] retirement gratuity becoming payable to the Government servant on his retirement.

Omitted by Notification No. 2/18/87-P and PW (PIC). dated 20th July, 1988.

74. Date of retirement to be notified :-

When a Government servant retires from service,-

(a) a notification in the Official Gazette in the case of a gazetted Government servant, and

(b) an office order in the case of a non-gazetted Government servant, shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer : Provided that where a notification in the Official Gazette or an office order, as the case may be, regarding the grant

of leave preparatory to retirement to a Government servant is issued, a further notification or office order that the Government servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed].

74A. Section 74A :-

[Rule [Omitted]

75. Section 75 :-

[Rule [Omitted]

76. Section 76 :-

[Rule [Omitted].

CHAPTER 9

Determination and Authorisation of the Amount of Family Pension and Death 2[* * *] Gratuity in Respect of Government servants dying while in service

77. Obtaining of claims for family pension and death 2[* * *] 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 1[* * *] 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 1[* **] gratuity under rule 50, 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 rule 54 for the Family Pension 1964-

(a) the Head of Office shall address the widow or widower in Form

13 for making a claim in Form 14; 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 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) 205 [* * *] omitted.

(5) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the Directorate of Estates for the issue of "No Demand Certificate" in accordance with the provisions of sub-rule (1) of rule 80C.

Omitted by Notification No.2/18/87-P and PW (PIC), dated 20th July, 1988.

78. 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 77 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)

(a) For the purpose of determination of emoluments for family pension and death 1[* * *] gratuity, the Head of Office shall confine the verification of the correctness of emoluments for a

maximum period of one year preceding the date of death of the Government servant.

(b) In case the Government servant was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.

(3) The process of determination of qualifying service 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 207 [* * *] gratuity shall also be calculated accordingly.

Omitted by Notification No.2/18/87-P and PW (PIC), dated 20th July, 1988.

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

According to the existing instructions, there should not be any case where service book has not been maintained properly. 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 following spells of service:-

(a) For the purpose of Family Pension 1964

(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 1964 determined under sub-rule (2) and sub-rule (2- (A) or rule 54.

(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 for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension 1964 and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (3) of rule 54.

(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 sub-rule (2) and sub-rule (2- A, of rule 54.

(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 sub-rule (3) of rule 54.

(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 2[* * *] gratuity

(i) If the deceased Government servant had on the date of his death rendered more than 5 years of rule 50. 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 Cl. (b) of sub-rule (1) of rule 50, as may be applicable.

(ii) If the deceased Government servant had rendered more than twenty 209[* * *] 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.

(c) 210 [* * *]

Subs. by Notification No. 2/18/87-P and PW (PIC).dated 20th July, 1988.

Omitted by Notification No. 2/18/87-P and W (PIC) dated 20th July. 1988.

80. Forwarding the papers to the Accounts Officer :-

(1) On receipt of claim or claims, the Head of Office shall complete items 22, 23, 24, 25 and 26 of Form 18 and send the said Form in original to the Accounts Officer 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 Accounts Officer.

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

(a) Government dues as ascertained and assessed in term of rule 80C 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 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 Cl.

(b) shall be limited to ten per cent. of the amount of gratuity or rupees one thousand, 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 the sub-rule (1) to the Accounts Officer leaving unfilled items 22, 23, 24, 25 and 26 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 Accounts Officer with the request that items 22, 23, 24, 25 and 26 of Part I of Form 18 may be filled by the Accounts Officer.

80A. Sanction Drawal And Disbursement Of Provisional Family Pension And Gratuity :-

(1) After the documents referred to the rule 80 have been sent to the Accounts Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and hundred per cent. 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 letter in favour of claimant or claimants endorsing a copy thereof to the Accounts Officer concerned indicating the amount of provisional family pension and hundred per cent. of the gratuity as determined;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (4) of rule 80:

(c) after issue of the sanction letter he shall draw-

(i) the amount of the provisional family pension: and

(ii) the amount of hundred per cent. of the gratuity after deducting therefrom the dues mentioned in Cl. (b);

(2) The Head of Office shall disburse the provisional family pension (including arrears, if any) and the gratuity immediately after the same have been drawn under sub-rule (1).

(3) The payment of provisional family pension shall continue for a period of six months from the date following the date of death of the Government servant unless the period is extended by the Accounts Officer under the proviso to sub-rule (1) of rule 80B.

(4) The Head of Office shall inform the Accounts Officer-

(a) as soon as the gratuity has been paid to the claimant or claimants: and

(b) as soon as the provisional family pension has been paid for a period of six months or for the period extended under proviso to sub-rule (1) of rule 80B as the case may be.

(5) If the claimant or any of the claimants desire the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him or her through money order or bank draft at his own cost : Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding two hundred and fifty rupees (inclusive of relief on family pension) per mensem, the amount of pension shall, at the request of the claimant, be remitted to him or her by money order at Government expense.

80B. Authorisation Of Final Pension And Balance Of The Gratuity By The Accounts Officer :-

(1) On receipt of the documents referred to in sub-rule (1) of rule 80, the Accounts Officer shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete Section 1 of Part II of Form 18 and assess the amount of family pension and gratuity : Provided that if the Accounts Officer is, for any reason, unable to assess the amount within the period aforesaid, he shall communicate the fact to the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Accounts Officer.

(2)

(a) If the family pension is payable in his circle of accounting unit, the Accounts Officer 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 drawn and disbursed by the Head of Office shall also be authorised by the Accounts Officer.

(3)

(a) The Accounts Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government

servant.

(b) The Accounts Officer shall intimate to the Head of Office, the amount of the balance of the gratuity determined under Cl. (a) with the gratuity may he drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid.

(c) The amount of gratuity withheld under Cl. (b) of sub-rule (1) of rule 80C shall be adjusted by the Head of Office against the outstanding licence fee mentioned in Cl. (viii) of sub-rule (1) of rule 80C 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 Accounts Officer 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 Accounts Officer 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 : Provided that the adjustment of provisional family pension drawn and disbursed by the Head of Office shall be made by the Accounts Officer in whose circle of accounting unit the provisional family pension was paid.

(6) If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount in instalments by short payments of family pension payable in future.

(7)

(a) If the amount of gratuity disbursed by the Head of Office proves to be larger than the amounts finally assessed by the Accounts Officer the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the overpayment.

80C. 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 Estates for the issue of No Demand Certificate so that authorisation of family pension and death 2[* * *] gratuity is not delayed. While addressing the Directorate of Estates for the issue of "No Demand Certificate", the Head of Office shall also supply the following information in duplicate (one copy marked to the Rent Wing and the second to the Allotment Wing) :

(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 upto which licence fee 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 licence fee had not been recovered upto the date of death and the family intends to retain Government accommodation for the permissible period of four months from the date of death of the Government servant, details of the:-

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

(B) the amount of licence fee in respect of the period at (A) to be determined on the basis of the standard rent bill;

(C) the amount of licence fee for the retention of Government accommodation by the family of the deceased Government servant for the concessional period of four months beyond the date of death of the Government servant to be determined on the basis of standard bill;

(D) the amount of licence fee mentioned at (B) and (C) proposed to be recovered out of death 2[* * *] gratuity;

(E) details of any previous reference from the Directorate of Estates having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(ii) The Head of Office shall recover from the death 3[* * *] gratuity the amount of licence fee as intimated to the Directorate of Estates under Cl. (i).

(iii) The recovery of licence fee for the occupation of Government accommodation beyond the permissible period of four months shall be the responsibility of the Directorate of Estates.

(iv) The Directorate of Estates shall scrutinise their records with a view to determine if licence fee other than the licence fee referred to in Cl. (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 Cl. (i).

(v) Pending receipt of information under Cl. (iv) the Head of Office shall withhold ten per cent. of the death 214[* * *] gratuity or one thousand rupees whichever is less.

(vi) If no intimation is received by the Head of Office within the period prescribed under Cl. (iv) regarding recovery of licence fee, it shall be presumed that nothing was recoverable from the deceased Government servant 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 Estates under Cl. (iv) regarding licence fee outstanding against the deceased Government servant, the Head of Office shall verify from the acquittance rolls if the outstanding amount of licence fee 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 licence fee shown as outstanding by the Directorate of Estates had already been recovered, the Head of Office shall draw the attention of the Directorate of Estates to the pay bills under which the necessary recovery of the licence fee was made and subject to the provision of sub-rule (2) take steps to pay the amount of the gratuity withheld under Cl. (v) to the person or persons to whom the death gratuity was paid.

(viii) If the outstanding amount of licence fee was not recovered from the pay and allowances of the deceased Government servant, the outstanding amount shall be adjusted against the amount of gratuity withheld under Cl. (v) and the balance, if any, paid to the person or persons to whom the amount of death 215[* * *] 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 71 excluding the dues pertaining to the allotment of Government accommodation were recoverable- from the deceased Government servant. Such ascertainable dues shall be recovered from the amount or death gratuity 216 [* *] becoming payable to the family of the deceased Government servant.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Omitted by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

Omitted by Notification No. 2/18/88-P and PW (PIC), dated 20th July, 1988.

80D. Payment Of Family Pension And Death 1[* * *] Gratuity When A Government Servant Dies While On Deputation :-

(1) In the case of a Government servant who dies while on deputation to another Central Government Department, action to authorise family pension and death 1[* * *] gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who dies while on deputation to a State Government or while on foreign service, action to authorise the payments of family pension and death 218 [* * *] 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 to the State Government or to the foreign service.

Omitted by Notification No. 2/18/88-P and PW (PIC). dated 20th July. 1988.

CHAPTER 10

Sanction of Family Pension and Residuary Gratuity in Respect of Deceased Pensioners

81. 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 1[Accounts Officer].

(2)

(a)

(i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of 1[Family Pension 1964] under rule 54, the amount of 1[Family Pension 1964] 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 an application from the widow or widower, the 1[Pension Disbursing Authority] from whom the deceased pensioner was drawing his or her pension shall authorise the payment of ^Family Pension 1964] to the widow or widower, as the case may be.

(b)

(i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 14 to the Head of Office for the payment of 1[Family Pension 1964] : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the 1[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 2[Family Pension 1964] in Form 20.

(c)

(i) Where a widow or widower in receipt of 2[Family Pension 1964] re-marriage and has, at the time of re-marriage, child or children from the former spouse who is or are eligible for 2[Family Pension 1964], the re-married individual shall be eligible to draw the 2[Family Pension 1964] 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 re-married 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 re-marriage;

(C) the name and date of birth of the child or children from the former spouse;

(D) 2[the pension disbursing authority] from where payment of 2[Family Pension 1964] on behalf of such child or children is desired;

(E) full postal address of the applicant.

(iii) If the re-married individual has, for any reason ceased to be the guardian of such child or children, the 2[Family Pension 1964] 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 2[Family Pension 1964]. 2[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-clause (iii) the Head of Office shall sanction 2[Family Pension 1964] in Form 21.

(d)

(i) Where a widow or widower in receipt of 2[Family Pension 1964] dies and leaves behind child or children who is or are eligible for 2[Family Pension 1964] the guardian may submit a claim in Form 14 to the Head of Office for the payment of 2[Family Pension 1964]: Provided that the guardian shall not be required to submit a claim in the said Form on behalf of 238[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.

(ii) On receipt of a claim 239[under sub-clause (i)] the Head of Office shall sanction 240[Family Pension 1964] in Form 21.

(3) 241 [* * *] Omitted.

(4) 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 50, 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.

Subs. by Notification No. 6 (1)-Pen.(A)/79. dated 19th May. 1980.

Subs. by Notification No. 6 (2)-Pen.(A)/79, dated 1st August, 1980.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

Omitted by Notification No. 2/18/88-P and PW (PIC). dated 20th July, 1988.

82. Authorisation of payment by 1[Accounts Officer] :-

On receipt of the sanction under rule 81 regarding the payment of family pension or of residuary gratuity or of both, the 242 [Accounts Officer] shall authorise the payment of the same.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

CHAPTER 11

Payment of Pensions

83. Date from which pension becomes payable :-

(1) Except in the case of a Government servant to whom the provisions of rule 37 apply and subject to the 2[rule 9 and rule 69] a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment. 244[* * *]

245 [* * *]

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

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated, 19th May, 1980.

Omitted by Notification No. 11 (D-EV (A)/73, dated 14th July, 1975.

84. Currency in which pension is payable :-

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

85. Manner of payment of gratuity and pension :-

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

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

86. Application of Treasury Rules :-

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

(i) of gratuity,

(ii) of pension,

(iii) of pension undrawn for more than a year, and

(iv) of pension in respect of a deceased pensioner.

CHAPTER 12

Miscellaneous

87. Interpretation :-

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the 247 [Department of Pension and Pensioners Welfare] for decision.

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

88. Power to relax :-

Where any Ministry or department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or department, as the case may be, 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 248 [Department of Pension and Pensioners Welfare].

Subs. by Notification No. 2/18/87-P and PW (PIC), dated 20th July, 1988.

89. Repeal and saving :-

(1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (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 cesser of operation-

(a)

(i) every nomination for the payment of death-cum-retirement gratuity, or of 1[Family Pension 1950]:

(ii) every form regarding the details of family of a Government servant for the purpose of 3[Family Pension 1964];

3(iii)[* * * * *]

(b) any nomination for the payment of death-cum-retirement gratuity or of 252[Family Pension 1950], any form regarding the details of family of a Government servant for the purpose of 253[Family Pension 1964]. 254[* * *] 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 [authorization 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 the old rules as if these rules had not been made;

(d) any case which pertains to the 255 [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 the old rule as if these rules had not been made;

(e) subject to the provisions of Cl. (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.

Subs. by Notification No. 6 (1)-Pen.(A)/79, dated 19th July, 1980.

Omitted by Notification No. 6 (1)-Pen.(A)/79, dated 19th May, 1980.

Omitted by Notification No. 6 (1)-Pen (A)/79. dated 19th May. 1980.

Subs. by Notification No. 6 (1)-Pen (A)/79. dated 19th May. 1980.

