

13. ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES, 1958

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951(61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:-

1.Short title and application

1(1) These rules may be called the All India Services (Death-cum-Retirement Benefits) Rules, 1958.

1(2)(a) Subject to the provisions of clause (b) of this sub-rule, they shall apply to all persons who retired from the Service on or after the 29th October, 1951.

¹1(2)(b) They do not apply to those members of the Service who were promoted to the Service from the State Services or were appointed to the Service under the Indian Administrative Service (Extension to States) Scheme or the Indian Police Service (Extension to States) Scheme and who, under orders issued by the Central Government before the coming into force of those rules, were given an option in the matter of pension rules, by which they would be governed and who in exercise of that option, chose to be governed by the Superior Civil Services Rules, the Civil Service Regulations, or the pension rules of the State concerned, as the case may be:

Provided that the members of the Service to whom these rules do not apply, and who were in service on the 1st January, 1964, may opt to be governed by these rules in accordance with such orders as may be issued by the Central Government in this behalf.

2. Definitions

2(1) In these rules, unless the context otherwise requires:-

2(1)(a) "Accounts Officer" means such officer as may be appointed by the Comptroller and Auditor General of India;

²2(1)(aa) "average emoluments" means the average of the emoluments drawn by a member of the Service during the last ten months of his service;

NOTE : (i) If during the last ten months of his service, a member of the Service has been absent on leave with allowances or having been suspended, has been reinstated without forfeiture of service, his emoluments for the purpose of ascertaining the average should be taken as what they would have been had he not been absent from duty or suspended.

(ii) If during the last ten months³ of his service a member of the Service has been absent from duty on leave without allowances (not counting of pension) or suspended under such circumstances that the period so passed does not count as qualifying service, the period of such leave or suspension shall be disregarded in the calculation of the average, an equal period before the ten months being included.

¹ Substituted vide DP &AR orders No. 31/7/72-AIS(III) dated 22.05.1973.

² Inserted w.e.f. 31.12.72 vide DP &AR Notification No. 33/12/73-AIS(III), dated 24.1.57 read with Notification No.25011/29/75-AIS(II) dated 30.1.1976 (GSR No. 196 dated 14.2.76).

³ Substituted w.e.f. 1.3.76 vide Notification No. 11024/4/76-AIS(II) dated 7.12.77 (GSR No. 1700 dated 24.12.77).

- (iii) In the case of a member of Service who, while on leave preparatory to retirement is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of his average emoluments.
- ⁴(iii-a) The emoluments drawn by a member of the Service during the last ten months of his service shall count for purposes of calculation of average emoluments only if the pay drawn during the said period is-
- (a) in a cadre post; and
 - (b) in an ex-cadre post if it is fully met out of the Consolidated Fund of either the Union or the State;
- ⁵(iii-b) in the case of a member of the Service who was deputed to any foreign service post during the last 10 months of his service the pay should be reckoned with reference to his entitlement in the Cadre or the pay which he would have drawn in a post under the Central Government, had he been on central deputation. For this purpose, the certificate given by the State Government on whose cadre the member is borne, regarding the pay he would have drawn in the cadre, or the certificate given by the Central Government regarding the pay he would have drawn in a post under the Central Government, had he not gone on foreign service, would be treated as sufficient.
- (iv) Except as provided in clauses (i), (ii), (iii), (iii-a) and (iii-b) above, only emoluments actually received shall be included in the calculation. For example, where a member of the Service is allowed to count time retrospectively towards increase of pay but does not receive retrospectively the intermediate periodical increments, these increments shall not be reckoned in the calculation of average emoluments.
- (v) Period of joining time which fall within the last ten months⁶ of service of a member of the service shall form part of the ten months for the purpose of average emoluments.
- (vi) Where the emoluments of a member of the Service have been reduced during the last 10 months of his service, otherwise than as a penalty, average emoluments may, at the discretion of the Government, be substituted for emoluments for the purpose of calculation of the gratuity or death-cum-retirement gratuity admissible under rule 18 or rule 19.
- (vii) In the case of a member of Service, who while officiating in a higher post proceeds on leave and retires or dies while on leave, the benefit of officiating or temporary pay for the purposes of this clause and clause (bb) shall be given only if it is certified that the member of the Service would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

⁴ Inserted w.e.f. 01.01.1973 vide Notification No. 25011/66/75-AIS(II) dated 22.05.1976 (GSR No. 1700 dt. 24.12.1977).

⁵ Substituted vide DP & Trg. Notification No.25011/40/88-AIS (GSR No. 91 dt. 25.02.1989).

⁶ Substituted w.e.f. 01.03.1976 vide Notification No. 11024/4/76-AIS(II) dated 07.12.1977.

2(1)(b) "death-cum-retirement gratuity" means the lump sum granted to a member of the Service or his family in accordance with rule 19.

⁷2(1)(bb) "Emoluments" means the basic pay that a member of the service was receiving before his retirement/death, as the case may be;

(w.e.f. 1.1.1997) "Emoluments" for the purpose of calculation of retirement/death Gratuity, means the pay and Dearness Allowance that a member of the service was receiving on the date of his retirement/death, as the case may be:

Provided further that those who retire between the 1st day of January, 1996 and the 31st day of December, 1997 shall have an option to retain the pre-revised scales of pay and have their pension and death-cum-retirement gratuity calculated under the rules in force immediately before the 1st day of January, 1996. In such cases the term "Emoluments" shall mean the pay which the member of service was receiving before his retirement or death, as the case may be, and will include Dearness Allowance up to AICPI 1436 and Interim Relief I and Interim Relief II:

Provided also that, in case of the persons who retain pre-revised scales (i.e. prior to the 1st day of January, 1996) and retire or die in harness subsequent to the 31st December, 1997, Pension, Retirement Gratuity, Death Gratuity and Family Pension, as may be relevant, shall be calculated in terms of relevant rules as effective from the 1st January, 1996 . The "emoluments" for calculation of pensionary benefits in their case shall be the basic pay in the pre-revised (i.e. prior to the 1st January, 1996) scale, plus Dearness Allowance as admissible up to CPI 1510 in terms of Ministry of Finance Office Memorandum No.1(5)/96.E II (B) dated the 20th March, 1996 appropriate to the basic pay plus two instalments of Interim Relief at the rates in force on the 31st December, 1995, appropriate to the said basic pay:

⁸Provided also that the average emoluments based on the basic pay of the preceding ten months of those Government servants who had opted to come over to the revised scales of pay and had retired within a period of 10 months reckoned from the 1st day of January, 1996 shall, for the purpose of determining their pension entitlement, be calculated as follows:

- (A) **For the period during which pay was drawn in the pre-revised pay scales:** The total emoluments for the number of months for which pay was drawn in the pre-revised pay scales shall be calculated after taking into account the following:
- (i) Basic Pay (including increments, if any drawn during the intervening period).
 - (ii) Dearness allowance upto CPI 1510, i.e. @ 148%, 111% and 96% of the basic pay as the case may be.
 - (iii) The first and second instalments of Interim Relief appropriate to the Basic Pay drawn during the relevant period.
 - (iv) Notional increase of the Basic Pay by applying the Fitment Benefit of 40 percent on the Basic Pay in the pre-revised pay scale.
- (B) **For the period during which pay was drawn in the revised pay scales:** The aggregate of the Basic Pay for the number of months for which pay was drawn in the revised pay scales.

⁷ Substituted/inserted w.e.f. 01.01.1996 vide DP & T Notification No. 25011/24/97-AIS(II) dated 19.12.1997 (GSR No. 717E dated 19.12.1997).

⁸ Substituted vide DP&T Notification No. 25011/24/97-AIS(II) dated 01.09.2000

The average emoluments of the preceding ten months will thereafter be calculated by adding (A) and (B) and dividing the result by 10. Pension admissible will consequently be 50% of the average emoluments so calculated.

Explanation – For the purposes of this sub-rule, the expressions “pre-revised pay scales” and “revised pay scales” shall mean the scales of pay applicable before the implementation of the recommendations of the Fifth Central Pay Commission with effect from 1st day of January, 1996 and the scales of pay accepted and notified on the basis of the recommendation of the Fifth Central Pay Commission with effect from the 1st day of January, 1996 respectively.

Provided that in the case of all members of the Service retiring from Service within ten months of the coming over to the revised scales of pay, as revised w.e.f .the 1st day of Jan,1986 emoluments in respect of any period prior to coming over to the revised scale of pay shall include:

- (i) Pay other than special pay in the pre-revised scale of pay prior to the 1st Jan, 1986;
- (ii) Dearness allowance, additional dearness allowance and ad hoc dearness allowance appropriate to pay up to Cost of Price Index 608 actually drawn during the relevant period; and
- (iii) Interim relief appropriate to pay actually drawn during the relevant period.

2(1)(c) "gratuity" means the lump sum specified in sub-rule (1) of rule 18 which may be granted to a person retiring from the Service before completion of 10 years of qualifying service.

⁹2(1)(cc) "Indian Civil Service member of the Indian Administrative Service" means a person, who was initially appointed to the Civil Service of the crown in India known as the Indian Civil Service and who subsequently became a member of the Indian Administrative Service.

2(1)(d) "leave rules" means the All India Services (Leave) Rules, 1955.

¹⁰2(1)(e) "leave with allowances" means leave other than extraordinary leave.

¹¹2(1)(f) "member of the Service" means a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (61 of 1951).

¹²2(1)(g) "Pay" means the amount drawn monthly by a member of the service as pay, other than special pay, against the post held by him at the time of his retirement from service.

2(1)(h) "Pension" means the amount payable monthly under rule 18 to person who has retired from the service, in recognition of the service rendered by him to the Government.

2(1)(i) []Omitted.

2(1)(j) "retirement benefits" includes pension or gratuity and death-cum-retirement gratuity where admissible,

⁹ Inserted vide DP&AR Notification No.31/7/72-AIS(III) dated 22.05.1973

¹⁰ Substituted vide MHA Notification No.29/41/64-AIS(III) dated the 8th April, 1965

¹¹ Substituted vide DP&AR Notification No.29/76/66-AIS(II)-A dated the 13th December,1966

¹² Substituted vide D/P&T Notification No.25011/12/87-AIS(II) dated 22.05.1987(GSR No.522E dt. 22.05.1987)

- ¹³2(1)(jj) "Revised scales of pay' means the scales of pay introduced with effect from the 1st day of January, 1996, unless specified otherwise.
- 2(1)(k) "Schedule" means Schedule to these rules.
- 2(1)(l) Deleted.
- ¹⁴2(1)(m) "State Government" means the State Government on whose cadre the member of the Service was borne immediately before retirement or death and in relation to a member of an All India Service borne on a joint cadre, the joint cadre Authority.

2(2) All words and expressions used in these rules and not defined therein but defined in the Pensions Act, 1871 (23 of 1871) or the General Clauses Act, 1897 (10 of 1897), or in the Leave Rules shall have the meanings respectively assigned to them in the said Acts or in the said Rules.

3. General Conditions.-

- 3(1) Future good conduct of the pensioners is an implied condition of every grant of pension and its continuance.
- 3(2) The Central Government may withhold or withdraw any pension or any part of it, for a specified period or indefinitely, on a reference from the State Government concerned, if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct.
¹⁵Provided that no such order shall be passed without consulting the Union Public Service Commission.
- 3(3) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

4. **Limitations:-** A member of the Service cannot earn two pension in the same office at the same time or by the same continuous service.

5. Removal, Dismissal or Resignation from Service. -

- 5(1) No retirement benefits may be granted to a person who has been dismissed or removed from the Service or who has resigned from the Service:
Provided that, if the circumstances of the case so warrant the State Government may grant to a person who has been dismissed or removed from the Service a compassionate allowance not exceeding two-thirds of the retirement benefits which would have been admissible to him if he had been invalidated and not dismissed or removed from the Service.
- 5(2) Subject to the provisions of Rule 5A, where a member of the service is required to retire or resign from the service as a condition of his appointment under a Statutory or other body, he shall be granted the retirement benefits to which he would have been entitled if he had been invalidated from the Service and not resigned or retired.

¹⁶5A. Permanent Absorption of Members of the Service in or under a Corporation, Company or body.-

¹³ Substituted w.e.f.1.1.96 vide D/P&T Notification No.25011/24/97-AIS(II) dated 19.12.1997(GSR No.717E dated 19.12.1997)

¹⁴ Substituted vide DP &AR Notification No.13/4/71-AIS(I) dated 11.01.1972.

¹⁵ Inserted vide DP&AR Notification No.25011/22/82-AIS(II) dated the 16th July, 1983(GSR No.557 dt. 30.07.1983)

5A(1) Notwithstanding anything contained in Rule 5, a member of the Service, who has been permitted by the Central Government to be absorbed in service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government or under a body controlled or financed by the Central Government, shall be deemed to have retired from Service from the date of such absorption and shall be eligible to retirement benefits in accordance with the orders issued by the Central Government in respect of officers of Central Civil Services Group 'A'.

¹⁷5A(2)

¹⁸5A(3) A member of the Service referred to in sub-rule (1) shall not be governed by the provisions of rule 22 or 22B as the case may be, if his family is entitled to family pension under the rules of the organization in which he is permitted to get absorbed permanently.

¹⁹**6 Recovery from pension.-**

6(1) The Central Government reserves to itself the right of withholding a pension or ²⁰gratuity, or both, either in full or in part, whether permanently or for a specified period, and of ordering recovery from pension or gratuity of the whole or part of any pecuniary loss caused to the Central or a State Government, if the pensioner is found in a departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence, during his service, including service rendered on re-employment after retirement:

²¹Provided that no such order shall be passed without consulting the Union Public Service Commission:

Provided further that-

- (a) such departmental proceeding, if instituted while the pensioner was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the pensioner, be deemed to be a proceeding under this sub-rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if the pensioner had continued in service.
- (b) such departmental proceeding, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment;
 - (i) shall not be instituted save with the sanction of the Central Government ;
 - (ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings; and
 - (iii) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the

¹⁶ Amended vide DP &AR Notification No. 25011/46/76-AIS(II) dated 28.03.1978 (GSR No. 450 dt 08.04.1978).

¹⁷ Deleted vide DOP&T Notification No. 25011/4/2000-AIS(II) dated 18.01.2002 (GSR No. 49(E) dt. 18.01.2002.)

¹⁸ Inserted vide 25011/7/50/78-AIS(II) dated 1st May, 1980 (GSR 545, dt. 17.05.1980)

¹⁹ Substituted vide MHA Notification No. 29/7/63-AIS(II) dated 25th March, 1964.

²⁰ Substituted vide Notification No. 25011/19/91-AIS(II) dated 26.05.1993.(GSR No. 308, dt. 19.6.93).

²¹ Inserted vide DP &AR Notification No. 25011/22/82-AIS(II) dated 16.7.83. (GSR No. 557 dt. 30.07.19.83)

procedure applicable to proceeding on which an order of dismissal from service may be made;

- (c) such judicial proceeding, if not instituted while the pensioner was in service whether before his retirement or during his re-employment, shall not be instituted in respect of a cause of action which arose or an event which took place more than four years before such institution.

Explanation:- For the purpose of this rule

(a) a departmental proceeding shall be deemed to be instituted when the charges framed against the pensioner are issued to him or, if he has been placed under suspension from an earlier date, on such date and

(b) a judicial proceeding shall be deemed to be instituted-

- (i) In the case of criminal proceedings, on the date on which a complaint is made or a charge-sheet is submitted, to the criminal court; and
- (ii) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is made to a civil court.

²²Note-1- Where a part of the pension is withheld or withdrawn the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per mensem.

Note-2- Where Central Government decides not to withhold or withdraw pension but orders recovery of any 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 the member of the service.

6(2) Where any departmental or judicial proceeding is instituted under sub-rule (1), or where a departmental proceeding is continued under clause, (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, ²³he shall be sanctioned by the Government which instituted such proceeding, during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, 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; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceedings and the issue of final orders thereon.

²⁴Provided that where disciplinary proceeding has been instituted against a member of the Service before his retirement from service under rule 10 of the All India Service (Discipline and Appeal) Rules, 1969, for imposing any of the penalties specified in clause (i), (ii) and (iv) of sub-rule 1 of rule 6 of the said rules and continuing such proceeding under sub-rule (1) of this rule after his retirement from service, the payment of gratuity or death-cum-retirement gratuity shall not be withheld.

²² Inserted vide DP & T Notification No. 25011/19/91-AIS(II) dated 26.5.93 (GSR No. 308 dated 19.6.93).

²³ Substituted vide Notification No.25011/30/77-AIS(II) dated 10.7.78(GSR No.422 dated 22.7.78)

²⁴ Substituted vide DP&AR Notification No.25011/22/82-AIS(II) dated 16.7.83(GSR No.557 dated 30.7.83)

- 6(3) Payment of provisional pension made under sub-rule (2) shall be adjusted against the final retirement benefits sanctioned to the pensioner upon conclusion of the aforesaid proceeding, but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

²⁵NOTE:-

7. Compulsory Retirement as a Measure of Penalty:-

- 7(1) A member of the Service who as a measure of penalty is compulsorily retired from the Service by the Central Government in accordance with the provisions of the All India Services (Discipline and Appeal) Rules, 1969, may be granted retirement benefits on the basis of his qualifying service on the date of such compulsory retirement on the appropriate scales admissible under rules ²⁶18 and 19:

²⁷Provided that, if the circumstances of the case so warrant, the ²⁸Central Government after consultation with the Union Public Service Commission may direct that the retirement benefits shall be paid at such reduced scales as may not be less than two-thirds of the retirement benefits under rules 18 and 19.

- ²⁹7(2) The family of a member of the Service who is compulsorily retired from the service as a measure of penalty shall be entitled to a family pension under Rule 22, 22A or 22B, as the case may be. For the purpose of rule 22, the family pension shall be admissible for maximum period of five years from the date of compulsory retirement.

8. Qualifying service.-

- 8(1) Unless provided otherwise in these rules, qualifying service of a member of the Service for purposes of these Rules begins from the date of his substantive appointment to the Service:

Provided that in the case of a member of the Service appointed initially on probation the period of probation shall also count as qualifying service.

- 8(2) Any period of service under the Central or a State Government rendered by a member of the Service prior to his appointment to the Service shall count as qualifying service under these rules to the extent to which such service would have counted as qualifying service for pension under the rules applicable to him prior to his appointment to the Service provided that the service is otherwise continuous.

³⁰Provided that temporary or officiating service, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of periods of temporary or officiating service in non-pensionable establishment.

Explanation - For the purposes of this rule-

²⁵ Omitted vide Notification No. 25011/13/82-AIS(II) dated 11.09.1980 (GSR No. 978 dt. 27.09.1980)

²⁶ Substituted vide DP &AR Notification No. 25011/14/79-AIS(II) dated 01.09.1979 (GSR No. 1151 dated 16.09.1979)

²⁷ Substituted vide DP&AR Notification No. 25011/14/79-AIS(II) dated 1.9.79 w.e.f 31.03.1979 (GSR No.1151 dt. 15.09.1979)

²⁸ Substituted vide DP&AR Notification no. 25011/22/82-AIS (II) dated 16.07.1983 (GSR No.557 dt 30.07.1983)

²⁹ Substituted wef 1.1.64 vide MHA Notification No. 29/11/65-AIS(II) dated 05.02.1966.

³⁰ Substituted vide MHA Notification No. 29/7/60-AIS(II) dated 31.12.1962.

- (1) Leave of any kind or suspension followed by reinstatement does not constitute a break.
- (2) Service under a State Government includes the service rendered before migration into India as a result of the partition in States which have since become part of Pakistan; breaks in service, if any, caused at the time of such migration due to reasons beyond the control of the member of the service may be condoned by the State Government but the period of break or breaks will be ignored in determining the total length of qualifying service.
- ³¹8(2A) The period of service rendered under an autonomous body, wholly or substantially owned or controlled by the Central Government and taken over by it, by a member of the service who left the service of that body at any time prior to its take-over by the Central Government and who later on joined Government Service with or without break, shall count as qualifying service for pension under these rules to the extent and subject to the conditions under which such service is counted as qualifying service for pension under the Central Civil Service (Pension) Rules, 1972 or under any orders issued by the Central Government in this behalf.
- ³²8(3) []
- 8(4) A member of the Service who rendered war/military service, before his appointment to an all India Service shall count that service as qualifying service to the extent to which such service is counted as qualifying for pensions under the Central Civil Services (Pension) Rules, 1972 or under any orders that might be issued by the Central Government in this behalf.
- ³³8(5)(a) A member of the Service who, prior to his appointment to the Service, held a post in the General Administrative Reserve or a post under Government on a contract basis, shall have the option to count the period of his service in such post in full as qualifying for pension under these Rules. Provided that such service is otherwise continuous and that he did not draw inflated rates of pay by reason of the absence of retirement benefits.
- 8(5)(b) The option under clause (a) shall be exercised within a period of three months from the 31st December, 1962 or within three months from the date of appointment to the Service, whichever is later. The option, once exercised; shall be treated as final.
- 8(5)(c) Where a member of the Service exercises the option to count his previous service in the General Administrative Reserve or on contract basis, the amount of Government contributions with interest thereon standing to his credit in any contributory provident fund to which he might have been admitted shall be surrendered ³⁴and credited to the consolidated funds of the Constituent States, in such proportion as may be prescribed by the Joint Cadre Authority) while the amount of his own subscriptions to that fund, if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Service Provident Fund.

³¹ Inserted /Substituted vide Notification No.25011/41/80-AIS(II) dt 15.5.81 (GSR No. 705 dt 1.8.81)

³² Omitted vide MHA Notification No. 29/81/66-AIS(II)-A dt.20.6.68

³³ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

³⁴ Substituted vide DP &AR Notification No. 13/4/71-AIS(II) dated 11.1.72

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest from the date of payment to the date of final refund in a suitable number of instalments, to be prescribed by the State Government.

- ³⁵8(6) A member of the Service who prior to his appointment to the Service held a post under Government carrying contributory provident fund benefits shall have the option to count as qualifying service the whole of the period of his service in such a post during which he actually subscribed to the contributory provident fund.

The option under this sub-rule shall be exercised within a period of three months from the 31st December, 1962 or within three months of appointment to the Service, whichever is later. The option once exercised shall be final.

Where a member of the Service exercises the option, the amount of Government contribution together with interest thereon standing to his credit in that fund shall be surrendered and ³⁶credited to the Consolidated fund of the State on whose cadre he is borne while the amount of his own subscriptions to that fund if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Services Provident Fund:

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest in a suitable number of installments to be prescribed by the State Government³⁷

- 8(7) Foreign service rendered by a member of the Service shall count as qualifying service provided that contributions towards the cost of retirement benefits of the member of the Service, at such rates as the Central Government may prescribe from time to time have been paid either by the foreign employer, or, failing that, by the member of the Service himself, in respect of the entire period of foreign service, unless the payment of contributions have been waived by Government.

- 8(8) 'Authorised Joining Time' availed of by a member of the Service shall count as qualifying service.

³⁸(8A) A member of the Service, who had participated in the national movement and who entered Government service by availing himself of the concession of relaxation of age in terms of the Ministry of Home Affairs office memoranda No.15/21/48-Ests, dated the 29th November 1948 and No. 6/1/51-NGS, dated the 14th February, 1951 or corresponding orders, if any, issued by the State Government in this regard, shall be allowed to add to his qualifying service, only for superannuation pension purpose, a period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds 25 years, a period of 5 years, whichever is the least.

- ³⁹8(9) The qualifying service shall be calculated in six monthly periods. A fraction of less than three months shall not be taken into account and any period

³⁵ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

³⁶ Substituted vide DP &AR Notification No. 13/4/71-AIS(II) dated 11.1.72

³⁷ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

³⁸ Inserted vide DP&AR Notification No. 25011/21/76 AIS(II) dt 21.4.77 (GSR No.579 st 21.4.77)

³⁹ Substituted vide DP&AR Notification No. 25011/9/83-AIS(II) dt 14.9.83 (GSR No. 712 st 1.10.83)

between three months and six months shall be treated as six monthly period in calculating the total qualifying service.

⁴⁰Note - A member of the service who was not entitled to receive the Government's share of the contribution in the Contributory Provident Fund in respect of any service rendered prior to his appointment to the Service, on the ground that he did not put in the minimum period of service under the rules of the said Fund, shall be deemed to have opted for counting that service as qualifying for pension under sub-rules (5) or (6) of this rule. But the Government's contribution to the Contributory Provident Fund, together with interest accrued thereon shall be transferred to the accounts of the State on whose cadre he is borne and that State shall bear the pensionary liability for the said service.

⁴¹**8A Addition to qualifying service on voluntary retirement.**

- 8(1) The qualifying service as on the date of intended retirement of a member of the Service retiring under sub-rule (2) or sub-rule (2A) of rule 16 shall be increased by the period not exceeding 5 years subject to the condition that the total qualifying service rendered by him does not in any case exceed 33 years and it does not take him beyond the age of superannuation.
- 8(2) The weightage upto 5 years under sub-rule (1) shall not be admissible in the case of a member of the Service who is retired from Service in Public interest by the Central Government under sub-rule (3) of rule 16.

9. Counting of periods of leave as qualifying service.

- ⁴²9(1) All periods of leave with allowances and extraordinary leave granted on the basis of medical certificate shall count as qualifying service:
- Provided that the Central Government may, in any case in which it is satisfied that the extraordinary leave was taken by a member of the Service for any cause beyond the control of such member or for prosecuting higher scientific and technical studies, direct that such extraordinary leave shall be counted as qualifying service.
- 9(2) Leave granted by foreign employer to a member of the Service while on foreign service out of India under sub-rule (1) of rule 27 of the Leave Rule shall be treated as leave and not as duty and shall qualify for pension subject to the provision of sub-rule(1)

10. Counting of period of deputation or leave outside India for purposes of qualifying service -

- 10(1) Where a member of the Service is deputed out of India on duty, the whole period of his absence from India on such deputation shall count as qualifying service.
- 10(2) Where a member of the service on leave out of India is employed, or is detained on duty out of India after the termination of his leave, the period of such employment or detention shall count as qualifying service:

⁴⁰ Added vide MHA Notification No.29/64/64-AIS(II) dated 13.08.1965

⁴¹ Substituted vide DP &AR Notification No. 25011/14/83-AIS(II) dated 03.01.1983 (GSR No. 33 dt. 21.01.1984)

⁴² Substituted vide DP &AR Notification No. 25011/22/82-AIS(II) dated 16.7.83 (GSR No. 557 dated 30.7.83)

Provided that the periods of deputation converted into leave shall count for purposes of qualifying service as leave and not as deputation .

- 10(3) Time spent on journey to India by a member of the Service who is recalled to duty before the expiry of any duty sanctioned leave out of India counts as qualifying service.

11. Periods not qualifying as service for pension - The following periods of service of a member of the Service do not count as qualifying service for pension:-

- ⁴³11(1) Time passed by a member of the Service under suspension unless, on conclusion of the disciplinary proceeding he has been fully exonerated or the suspension is held to be wholly unjustified:

Provided that where a member of the Service has not been fully exonerated in the disciplinary proceedings or the suspension has not been held to be wholly unjustified, the period of suspension shall count as qualifying service only to such extent and in accordance with such directions as the competent authority may issue under rules 5, 5A or 5B of the All India Services (Discipline and Appeal) rules, 1969,

- 11 (2) Leave other than leave which counts as qualifying service under rule 9.
11(3) Unauthorised absence in continuation of authorised leave of absence or joining time.

12. Condonation of Interruption in service.-

- ⁴⁴12(1) In the absence of a specific indication to the contrary in the service records of a member of the Service, an interruption between two spells of service, rendered by him after his appointment to the service shall be treated as automatically condoned and the pre-interruption service treated as qualifying service except in a case where interruption is caused by dismissal or removal from service.

- 12(2) In a case falling under sub-rules (2), (5) or (6) of rule 8, where service rendered by a member of the Service under a State Government or the Central Government prior to his appointment to the Service is counted as qualifying service under the said rule and an interruption in service is inevitable due to the two appointments being at different stations, such interruption not exceeding the joining time permissible under the rules of transfer, shall be treated as automatically condoned.

- 12(3) In a case where war or military service is counted as qualifying service for pension under sub-rule (4) of rule 8, the interruption if any, in such service as well as any interruption between such service and subsequent civil service shall be treated as automatically condoned.

- 12(4) The period or periods of interruptions referred to in sub-rules (1) to (3) shall not count as qualifying service.

13. Invalid gratuity or pension:-

- 13(1) Where the Government has reason to believe that a member of the Service is suffering from:

⁴³ Substituted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83 (GSR No. 557 dt 30.7.83)

⁴⁴ Substituted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83 (GSR No. 557 dt 30.7.83)

- (a) a contagious disease or
- (b) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties. It may direct him to undergo medical examination with a view to retire him from service on invalid gratuity or pension, as the case may be.

A member of the Service also may, if he feels that he is not in a fit state of health to discharge his duties, apply to the Government for retirement on invalid gratuity or pension as the case may be.

- 13(2) An invalid gratuity or pension and death-cum-retirement gratuity where admissible shall be granted to a member of the Service who having appeared under the direction of the Government or on his own application before a duly constituted Medical Board, is certified that Medical Board, by bodily or mental infirmity, to be permanently incapacitated for further service. ⁴⁵The family of a member of the service who retires or is retired under this rule shall be entitled to the benefits of the family pension as laid down in Rule 22 or 22B.

⁴⁶13(2A) Notwithstanding anything contained in sub rule (2), relief against rise in the cost of living index shall be granted to every such member of the Service at such scales and in such manner as may be prescribed by the Central Government from time to time for officers of the Central Government Civil Services, Class-I.

- 13(3) The medical certificate of incapacity shall be attested:
- (a) if the member of the Service is on leave out of India, by a Medical Board to be convened for the purpose by the Indian Mission in the country in which the member of the Service is on leave;
 - (b) in other cases, by the Medical board to be convened by the Chief Administrative Medical Officer of the State in which the member of the Service is on duty or on leave. The Chief Administrative Officer, shall, wherever practicable, preside over such a Board.
- 13(4) Save where he is on leave out of India no member of Service shall apply for a medical certificate of incapacity and no such certificate shall be granted unless –

- (a) the applicant produces evidence to show that the Government is aware of his intention to appear before the Chief Administrative Medical Officer; and
- (b) the Chief Administrative Medical officer is informed about the age of the applicant as recorded in his history of services and is supplied with a statement of the leave taken by him during the three years immediately preceding and of the history of the medical case and the treatment adopted as far as possible.

- 13(5) If the medical Board, although unable to discover any specific disease in the member of the Service, considers him incapacitated for further

⁴⁵ Inserted wef 1.6.64 vide MHA Notification No. 29/11/65-AIS(II) dt 5.2.66

⁴⁶ Inserted wef 1.1.73 vide DP&AR Notification No. 33/20/73 –AIS(II) dt 31.5.75

service by general debility while still under the age of ⁴⁷fifty eight years, it shall give detailed reasons for its opinion. Wherever possible a second medical opinion shall in such cases be obtained.

Note— In a case of this kind, a statement giving the grounds on which it is proposed to invalidate a member of the Service shall be forwarded to the Medical Board by the Government under whom he is serving.

13(6) A certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a member of the Service on invalid gratuity or pension.

13(7) The Medical Certificate shall be in the form set forth in Schedule `C`.

14. Restrictions on the grant of invalid gratuity or pension :-

14(1) A member of the Service who is discharged from the Service on ground other than those specified in rule 13 shall have no claim in invalid gratuity or pension or death-cum-retirement gratuity even though he produces medical evidence of incapacity for Service. ⁴⁸[Nor will his family, be entitled to the benefits of the family pension].

14(2) If the incapacity is directly due to irregular or intemperate habits, no invalid gratuity or pension or death-cum-retirement gratuity shall be granted to a member of the Service. If it has not been directly caused by such habits but has been accelerated or aggravated by them it shall be for the Central Government to decide what reduction, if any, shall be made on this account in the retirement benefits otherwise admissible.

Note--(1) The mere fact that a member of the Service has suffered from syphilis, taken by itself, is not sufficient to bring his case under the operation of this rule.

14(2) Unsoundness of mind caused by drug habits shall be taken as sufficient to bring his case under the operation of this rule.

The expression "irregular or intemperate habits" occurring in this rule refers to incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity was due to other cause e.g. work at irregular hours during war and after, due to exigencies of service and not due to own volition, do not come under the purview of this rule.

15. Retirement from service of a member of the service in certain cases and grant of leave—

15(1) A member of the Service who has been declared by a Medical Board to be permanently incapacitated for further service shall, if he is on duty, be invalidated from service from the date of relief which shall be arranged without delay on receipt of the report of the Medical Board or, if he is granted leave under sub rule (2), on the expiry of such leave:

Provided that if he is on leave at the time of receipt of the report of the Medical Board, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule(2).

15(2) A member of the Service in respect of whom a Medical Board has reported

⁴⁷ Substituted for 'Fifty Five Years' vide MHA Notification No. 29/47/61-AIS(II) dt 25.5.63

⁴⁸ Inserted wef 1.6.64 vide MHA Notification No. 29/11/65-AIS(II) dt 5.2.66

that there is no reasonable prospect of his ever being fit to return to duty, may not be granted leave except as follows:--

- (a) If the Medical Board is unable to say with certainty that the member of the Service will never again be fit for service, leave not exceeding 12 months in all may be granted to him. Such leave shall not be extended without further reference to a Medical Board.
- (b) If a member of the Service has been declared by the Medical Board to be completely and permanently incapacitated for further service leave or any extension of leave may be granted to him after the report of the Medical Board has been received, provided that the amount of leave so granted, together with any period of duty beyond the date on which the Medical Board signed their report, shall not exceed 6 months.

16. Superannuation gratuity or pension.-

16(1) ⁴⁹A member of the Service shall retire from the service with effect from the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a member of the Service whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years:

Provided further that a member of the Service dealing with budget work or working as a full-time member of a Committee which is to be wound up within a short period may be given extension of service for a period not exceeding three months in public interest, with the prior approval of the Central Government.

⁵⁰Provided also that a Member of the Service holding the post of Chief Secretary to a State Government may be given extension of service for a period not exceeding six months on the recommendations made by the concerned State Government with full justification and in public interest, with the prior approval of the Central Government.

⁵¹Provided also that a member of the Service who has attained the age of fifty-eight years on or before the first day of May, 1998 and is on extension in service, shall retire from the service on the expiry of his extended period of service or on the expiry of any further extension, granted by the Central Government in public interest, and that no such extension in service shall be granted beyond the age of sixty years.

⁵²16(1A) Notwithstanding anything contained in sub-rule (1), the Central Government may, if it considers necessary in the public interest to do so, give extension in service to the incumbents of the posts of the Cabinet Secretary, Defence Secretary, Home Secretary, Director, Intelligence Bureau, Secretary, Research and Analysis Wing and Director, Central Bureau of Investigation for such period as it may deem proper

Provided that the total term of the Cabinet Secretary who is

⁴⁹ Substituted/Inserted vide DP&T Notification No. 25011/8/97-AIS(II) dt 13.5.98(GSR No. 249E dt 13.5.98)

⁵⁰ Inserted vide notification No. 24012/22/2005-AIS(II) dated 30/11/2005

⁵¹ Substituted vide DP&T Notification No. 25011/24/98-AIS(II) dt 7.12.98 (GSR No. 719 dt 7.12.98)

⁵² Substituted vide notification NO. 25011/4/2006-AIS(II) dated 12/6/2007.

granted such extensions of service shall not exceed three years;

Provided further that the total term of the other Secretaries and Directors who are granted such extensions of service under these Rules shall not exceed two years.

⁵³16(2) A member of the Service may, after giving at least three months' previous notice in writing, to the State Government concerned, retire from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no member of the Service under suspension shall retire from service except with the specific approval of the ⁵⁴Central Government .

⁵⁵Provided further that the State Government concerned on a request made by the member of the service may, if satisfied and for reasons to be recorded in writing, relax the period of notice.

⁵⁶16(2A) A member of the service may, after giving three months' previous notice in writing to the State Government concerned, retire from service on the date on which he completes 20 years of qualifying service or any date thereafter to be specified in the notice:

Provided that a notice of retirement given by a member of the service shall require acceptance by the Central Government ⁵⁷if the date of retirement on the expiry of the period of notice would be earlier than the date on which the member of the Service could have retired from service under sub-rule (2):

Provided further that a member of the Service, who is on deputation to a corporation or company wholly or substantially owned or controlled by the government or to a body controlled or financed by the Government, shall not be eligible to retire from the service under this rule for getting himself permanently absorbed in such corporation, company or body.

⁵⁸Provided also that a member of the Service borne on the Cadres of Assam-Meghalaya, Manipur-Tripura, Nagaland and Sikkim may retire from service on the date on which he/she completes 15 years of service.

⁵⁹16(3) The Central Government may, in consultation with the State Government concerned and after giving a member of the Service at least three months previous notice in writing, ⁶⁰or three months' pay and allowances in lieu of such notice require that member to retire in public interest from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.

⁵³ Substituted vide DP&AR Notification No. 28/8/72-AIS(II) dt 30.9.72

⁵⁴ Substituted vide DP&AR Notification No. 25012/1/88-AIS(II) dt 16.7.88 (GSR No. 567)

⁵⁵ Added vide notification No. 29018/11/2003-AIS(II) dated 20/12/2004

⁵⁶ Inserted vide DP&AR Notification No. 25011/24/77-AIS(II) dt 2.2.78 (GSR No. 253 st. 18.2.78)

⁵⁷ Substituted vide DP&T Notification No. 25012/1/88-AIS(II) dt 1.7.88 (GSR No. 567 dt 16.7.88)

⁵⁸ Added vide notification No. 29018/11/2003-AIS(II) dated 20/12/2004

⁵⁹ Substituted vide DP&AR Notification No. 28/8/72-AIS(II) 30.9.72

⁶⁰ Inserted vide DP&AR Notification No. 25011/45/75-AIS(II) dt 5.12.75

⁶¹Note 1: In computing the period of three month's notice referred to in sub-rules (2), (2A) and (3) the date of service of the notice and the date of its expiry shall be excluded.

Note 2: In the case of a member of Service who retires under sub-rule (2) or (2A) or who is retired under sub-rule (3), the date of retirement shall be treated as a non-working day.

⁶²16(4) A superannuation gratuity or pension shall be granted to a member of the Service who is required to retire under sub-rule (1) of this rule.

⁶³**16-A Acceptance of date of birth-**

16(1) For the purpose of determination of the date of superannuation of a member of the service, such date shall be calculated with reference to the date of his birth as accepted by the Central Government under this rule.

16(2) In relation to a person appointed, after the commencement of the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1971

(a) Indian Administrative Service under clause (a) or clause (aa) of sub-rule (1) of rule 4 of the Indian Administrative Service (Recruitment) rules, 1954; or

(b) the Indian Police Service under clause (a) or clause (aa) of sub-rule (1) of rule 4 of the Indian Police Service (Recruitment) Rules, 1954; or

(c) the Indian Forest Service under clause (a) or clause (aa) of sub-rule (2) of rule 4 of the Indian Forest Service(Recruitment) Rules, 1966;

the date of birth as declared by such person in the application for recruitment to the service shall be accepted by the Central Government as the date of birth of such person.

16(3) In relation to a person to whom sub-rule (2) does not apply, the date of birth as recorded in the service book or other similar official document maintained by the concerned government shall be accepted by the Central Government, as the date of birth of such person.

16(4) The date of birth as accepted by the Central Government shall not be subject to any alteration except where it is established that a bonafide clerical mistake has been committed in accepting the date of birth under sub-rule (2) or (3).

⁶⁴**17. Retiring Pension and gratuity.-**

17(1) A retiring pension and death-cum-retirement gratuity shall be granted to a member of the Service who retires or is required to retire under rule 16.

⁶⁵17(2) Notwithstanding anything contained in sub-rule (1), relief against rise in the cost of living index shall be granted to every such member of the Service at such scale and in such manner as may be prescribed by the Central Government from time to time for officers of the Central Civil Services, Class I.

⁶¹ Inserted vide DP&AR Notification No. 25011/6/80-AIS(II) dt 26.4.80 (GSR 512 dt 10.5.80)

⁶² Inserted vide MHA Notification No. 29/10/64-AIS(II) dt 1.9.65

⁶³ Substituted vide DP&AR Notification No. 25011/7/77-AIS(II) dt 7.7.78 (GSR No. 924 dt 22.7.78)

⁶⁴ Substituted wef 30.8.65 vide MHA Notification No. 29/10/65-AIS(II) dt 1.9.65

⁶⁵ Inserted/renumbered wef 1.5.73 vide DP&AR Notification No. 33/20/730AIS(III) dt 31.5.75(GSR No. 724 dt 14.6.75)

18. Amount of Gratuity or Pension:

⁶⁶(1) (a) In case a member of the Service retires from service in accordance with the provisions of these rules, before completing qualifying service of ten years gratuity shall be admissible at the rate of half month's pay of each completed six monthly period of qualifying service.

(b) (i) In case a member of the service retires from service in accordance with the provisions of these rules, after completing qualifying service of thirty three years or more, pension shall be admissible to him at the rate of fifty per cent of the average emoluments reckonable for pension:

⁶⁷Provided that the pension calculated under this rule shall not be more than rupees fifteen thousand per month subject to the condition that the full pension shall in no case be less than fifty per cent of the minimum of the revised scale of pay introduced with effect from the 1st day of January, 1996 for the post last held by the member of the Service at the time of his retirement.

(ii) In case a member of the Service retires from service in accordance with the provisions of these rules after completing 10 years of qualifying service but less than 33 years of qualifying service, the pension admissible to him shall be such proportion of the maximum pension admissible ⁶³under this sub-rule as the qualifying service rendered by him bears to the qualifying service of 33 years.

⁶⁸In case a member of the Service retires from Service between the 1st January, 1996 and the 31st December, 1997, and exercises an option to retain the pre-revised scale of pay and draws pension and death-cum-retirement gratuity under the rules in force immediately before the 1st day of January, 1996, the pension and death-cum-retirement gratuity in such cases shall be regulated as follows:

- (i) Pension shall be calculated at fifty percent of the average emoluments. To the amount so calculated, Dearness Relief upto AICPI 1510 at the prescribed rates shall be added and the amount so arrived at shall be regarded as pension.
- (ii) Death-cum-retirement gratuity shall be admissible with reference to emoluments at (i) above under the orders/rules (including that in respect of ceiling) in force immediately before coming into effect of the revised rules, with effect from 1st day of January, 1996.

Explanation:- In this sub-Clause, "emoluments" means "Pay" as defined in first provision of Rule 2(1) (bb).

18.2 An Indian Civil Service member of the Indian Administrative Service shall be entitled to receive an annuity of Rs.13,333.33;

Provided that if any such member opts for the death-cum-retirement gratuity scheme, his annuity shall be reduced by the annuity equivalent amount of gratuity;

⁶⁹Provided that the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 22B.

⁶⁶ Substituted vide DP&AR Notification No. 25011/14/79-AIS(II) dt 1.9.79 (GSR No. 1151 dt 5.9.79) and again substituted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522 E)

⁶⁷ Substituted vide DP&T Notification No. 14021/5/98 – AIS(II) dt 14.1.99 (GSR No. 35E dt 14.1.99)

⁶⁸ Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 712E dt 19.12.97)

⁶⁹ Inserted wef 31.12.72 vide Notification No. 33/12/73 – AIS(II) dt 24.1.75 read with No. 25011/29/75-AIS(II) dt 30.1.76

⁷⁰Note:- A member of the service retired from service before the 1st day of January, 1986 shall be granted such additional relief in pension as may be sanctioned by the Central Government.

19. Death cum retirement gratuity-

- (1) Subject to the provisions of rule 14, a member of the Service who retires or is retired under rule 13 or 16⁷¹ and has on the date of such retirement completed 5 years qualifying service may be granted a death-cum-retirement gratuity not exceeding the amount specified in sub-rule (3).
- (2) If a member of the Service ⁷²[] dies while in service, a death-cum-retirement gratuity not exceeding the amount specified in sub-rule (3) may be paid to the person or persons on whom the right to receive such gratuity is conferred under rule 21 and, if there is no such person, it may be paid in the manner indicated below:
 - (i) If there are one or more surviving members of the family as in items (i), (ii) and (iii) of clause (a) of sub-rule (1) of rule 21, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares.
 - (ii) If there are no such surviving members of the family as in clause (i) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items ⁷³[(iv) to (viii)] of clause (a) of sub-rule (1) of rule 21, it may be paid to all such members in equal shares.
- ⁷⁴(2A) If a member of the Service dies after retirement without receiving the gratuity admissible under these rules, the gratuity shall be disbursed to the family in the manner indicated in sub-rule(2).
- (2B) The right of a female member of the family or that of a brother of the member of the Service 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 18 years after death of the member of the service and before receiving his or her share of gratuity.
- (2C) Where gratuity is granted under this rule to a minor member of the family of the deceased member of the service, it shall be payable to the guardian on behalf of the minor.
- ⁷⁵(3)(a)(i) A retirement gratuity equal to one fourth of the emoluments for each completed period of six months of service shall be paid to member of the service on his retirement from service who has completed five years' qualifying service, subject to a maximum of sixteen and half times of the emoluments:

Provided that the amount of retirement gratuity payable under this clause

⁷⁰ Omitted/Inserted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522 E)

⁷¹ The figures & words "13 or 16" substituted for the figures and words "13-16 or 17" vide MHA Notification No. 29/10/64 - AIS(II) dt 1.9.65

⁷² Deleted vide MHA Notification No. 29/5/67-AIS(II) dt 1.9.68

⁷³ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 30.11.62

⁷⁴ Inserted vide DP&AR Notification No. 25011/37/80-AIS(II) dt 26.2.81 (GSR No. 276 dt 14.3.81)

⁷⁵ Substituted vide DP&T Notification No. 25011/14/84-AIS(II) dt 31.5.85

shall not exceed rupees ⁷⁶three lakh and fifty thousand.

- (3)(a)(ii) In the case of the death of a member of the service while in service, death gratuity shall be admissible at the following rates:-

Length of service	Rate of Gratuity
(i) Less than one year	Two times of emoluments.
(ii) One year or more but less than 5 years.	Six times of emoluments.
(iii) 5 years or more but less than 20 years	12 times of emoluments.
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times emoluments provided that the amount of Death Gratuity shall in no case exceed Rupees three lakh and fifty thousand.

- (3)(b) If a member of the Service who has become eligible for gratuity or pension dies after he has retired from the Service, and the sums to which he had become entitled at the time of his death on account of such gratuity or pension together with the death-cum-retirement gratuity granted under sub-rule(1) and the commuted value of any portion of pension commuted by him are less than an amount equal to 12 times of his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2).

⁷⁷[] Omitted

⁷⁸19A. **Interest on delayed payment of Gratuity or Death-cum-Retirement Gratuity:**
19A (1) If the payment of gratuity or death-cum-retirement gratuity has been authorised after three months from the date when its payment became due, and it is clearly established that the delay in payment was attributable to administrative lapses, ⁷⁹interest at the rate prescribed by the Central Government from time to time shall be paid on the amount of gratuity or death-cum-retirement gratuity in respect of the period beyond three months.

19A(2) If as a result of Government's decision taken subsequent to the retirement of a member of the Service, the amount of gratuity or death-cum-retirement gratuity already paid on his retirement is enhanced on account of:-

⁷⁶ Substituted vide DP&T Notification No. 25011/24/97-AIS(II) A dt 19.12.97 (GSR No. 717E dt 19.12.97)

⁷⁷ Omitted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87

⁷⁸ Inserted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83

⁷⁹ Substituted vide DP&T Notification No. 25011/14.84-AIS(II) dt 31.5.85

- (i) grant of emoluments higher than the emoluments on which gratuity or death cum retirement gratuity was determined; or
- (ii) liberalisation in the provisions of these rules from a date prior to the date of retirement of the member of the Service concerned, no interest on the arrears of the gratuity or death-cum-retirement gratuity shall be paid.

⁸⁰19-B. **Deposit Linked Insurance Scheme for members of the services-**

On the death of the member of the service ⁸¹on or before 30th Sept., 91 and to whom rule 19BB does not apply the persons entitled to receive the amount standing to his credit in the Provident Fund under the All India Services (Provident Fund) Rules, 1955, shall be sanctioned an additional amount equal to the average balance in the said account during the three years immediately preceding the death of such members, subject to the fulfilment of the following conditions, namely:-

- (a) the balance in the said account should not have fallen below Rs.4000⁸² at any time during the said period of three years.
- (b) the limits upto which the benefit of insurance cover will be available will be Rs.10,000⁸³.
- (c) the benefit would be admissible only if the member of the service has put in at least five years' service at the time of his death.

Note1:-The average balance shall be worked out on the basis of the balance at the credit of a member of the service in his provident fund account at the end of each of the 36 months preceding the month in which the death occurs.

For this purpose, as also for checking the minimum balance prescribed in clause (a) above:-

- (i) the balance at the end of March, shall include the interest credited under rule 9 of the All India Service (Provident Fund) Rules, 1955, and;
- (ii) if the last of the aforesaid 36 months is not the month of March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note2.-Payment under this scheme shall be in whole rupees. If an amount due includes a fraction of a rupee it shall be rounded to the nearest rupee, a fraction of less than 50 paise being ignored.

Note3.-Any sum payable under this Scheme is in the nature of insurance money and, therefore, the statutory protection given by section 3 of the Provident Fund Act - 1925 (Act 19 of 1925) shall not apply.

⁸⁴19BB **Deposit-Link and Insurance Revised Scheme for members of the service -**
On the death of a member of the service, the person entitled to receive the amount standing to the credit of the member in the provident fund under the All India Services (Provident Fund) Rules, 1955, shall be sanctioned an additional amount equal to the average balance in the said account during the 3 years immediately preceding the death of such member, subject to the fulfilment of the following conditions, namely:-

⁸⁰ Substituted vide DP&T Notification No. 25011/37/80-AIS(II) dt 26.2.81 (GSR No. 276 dt 14.3.81)

⁸¹ Inserted vide DP&T Notification No. 25011/25/89 – AIS(II) dt 2.7.90

⁸² Substituted/inserted vide Notification No.25011/37/80-AIS(II) dated 26.02.1981 (GSR No.276 dt. 14.03.1981)

⁸³ Substituted/inserted vide Notification No.25011/37/80-AIS(II) dated 26.02.1981 (GSR No.276 dt. 14.03.1981)

⁸⁴ Inserted vide DP&T Notification No.25011/25/89-AIS(II) dated 02.07.1990

- (a) the balance in the said account should not have fallen below Rs.12,000/- at any time during the 3 years preceding the month of death.
- (b) the additional amount payable under this rule shall not exceed Rs. 30,000/-.
- (c) the member of the service had put in at least 5 years of service at the time of his/her death.

Note 1. The average balance shall be worked out on the basis of the balance at the credit of the member of the service in his provident fund account at the end of each of the 36 months preceding the month in which the death occurs. For this purpose, as also for checking the minimum balance prescribed in clause (a):-

- (i) the balance at the end of March shall include the interest credited under rule 9 of the All India Services (Provident Fund) Rules, 1955; and
- (ii) If the last of the aforesaid 36 months is not the month of March, the balance at the end of said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note 2. Payment under this scheme shall be in whole rupees. If an amount due includes a fraction of a rupee it shall be rounded to the nearest rupees (50 paise or above counting as the next higher rupee).

Note 3. Any sum payable under this scheme is in the nature of insurance money and, therefore, the statutory protection given by section 3 of the Provident Fund Act, 1925 (Act 19 of 1925) does not apply to sums payable under this Scheme.

19-C. Recovery and Adjustments of Government dues:-

- (1) It shall be the duty of every retiring member of the service to clear all Government dues before the date of his retirement.
- (2) Where a retiring member of the Service does not clear the Government dues and such dues are ascertainable:-
 - (a) an equivalent cash deposit may be taken from him; or
 - (b) an equivalent amount shall be deducted from the gratuity and the death-cum-retirement gratuity.

Explanation: For the purpose of this rule, dues which are ascertainable shall include balance of house building or conveyance advance, arrears of rent and other charge pertaining to occupation of Government accommodation, over payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961).

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21. Nominations:-

- (1) For the purpose of this rule-

(a) "family" shall include the following relatives of the member of the Service:-

- (i) Wife or husband;
- (ii) sons;
- (iii) unmarried and widow daughters;
- (iv) brothers below the age of 18 years, and unmarried or widowed sisters;
- (v) Father;
- (vi) mother;
- (vii) married daughters; and
- (viii) children of a pre-deceased son.

NOTE 1.- Items (ii) and (iii) will include step children.

NOTE 2.- An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the solicitor to the State Government is satisfied that under the personal law of the member of the service, adoption is legally recognised conferring the status of a natural child.

(b) "person" shall include any company or association or body of individuals whether incorporated or not.

- (2) A member of the Service shall, soon after confirmation in the Service make a nomination conferring on one or more persons the right to receive the death-cum-retirement gratuity, that may be sanctioned under sub-rule (2) or clause (b) of sub-rule (3) of rule 19 and any gratuity, which having become admissible to him under rule 18 had not been paid to him before his death.

Provided that:

- (i) if at the time of making the nomination, the member of the Service has a family, the nomination shall not be in favour of any person or persons other than the members of his family; and
 - (ii) where the member of the Service has only one member in his family in whose favour the original nomination should be made the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons corporate or incorporate.
- (3) If a member of the Service nominates more than one person under sub-rule (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of death gratuity.
- (4) A member of the Service may provide in a nomination -
- (a) in respect of any specified nominee that in the event of his predeceasing the member of the Service, the right conferred upon 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 member of the Service has a family consisting of more than one member, the person to be specified shall not be a person other than a member of his family; and

- (b) that the nomination shall become invalid in the event of the happening of a contingency specified therein.
- (5) The nomination made by a member of the Service who has no family at the time of making it, or a provision made in a nomination under clause (a) of sub-rule (4) by a member of the Service whose family consists, at the time of making the nomination, of only one member, shall become invalid in the event of the member of the Service subsequently acquiring a family or an additional member in the family, as the case may be.
- (6) Every nomination shall be in such one of the forms given in Schedules D to G, as may be appropriate in the circumstances of the case.
- (7)(a) A member of the Service may at any time cancel a nomination by sending a notice in writing to his Accounts Officer; provided that the member of the Service shall along with such notice send a fresh nomination made in accordance with this rule.
- (b) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule (5), a member of the service shall send to his Accounts Officer a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with this rule.
- (8) Every nomination made and every notice of cancellation given by a member of the Service under this rule shall be sent by him to his Accounts Officer.
- (9) Every nomination made and every notice of cancellation given by a member of the Service shall to the extent that it is valid take effect on the date on which it is received by the Accounts Officer.

22. Family Pension:- (1) ⁸⁵This rule applies to those members of the Service who were in service on the 31st December, 1963 and who had specifically opted for the benefits of this rule under the orders issued by the Central Government.

- ⁸⁶(2)(a) The State Government may grant a family pension to the family of a member of the Service in the event of the death of that member after he had rendered twenty years of qualifying service. In exceptional circumstances, the Central Government may grant a family pension to the family of a member of the Service if the death of such member occurs before he has completed twenty years of qualifying service, if he has rendered not less than ten years of qualifying service.

- (b) The total period for which a family pension may be paid shall be ten years;

Provided that the period of payment of family pension shall in no case extend beyond a period of five years from the date on which the member of the Service actually retired, or on

⁸⁵ Added vide MHA Notification No. 29/7/60-AIS(I) dt 30.11.62

⁸⁶ Added vide MHA Notification No. 29/7/60-AIS(I) dt 30.11.62

which he would retire, on superannuation pension in the normal course according as the death takes place after retirement or while the member of the Service was in service.

Note:- In the case of a member of the Service who dies while on extension of service the expression "date on which he would have retired on superannuation pension in the normal course" in the above proviso shall mean the date upto which extension of service has been sanctioned to him before his death.

- (3) Subject to the maximum of Rs.150 per mensem the amount of family pension shall be-
- (a) in the event of death while in service, half the pension admissible to a member of the Service had he retired on a superannuation pension on the date following the date of death;
 - (b) in the event of death after retirement, half the pension sanctioned for him at the time of retirement. If, however, a member of the Service mentioned in clause (b) has commuted a part of his pension before his death, that part of pension shall be deducted from the family pension calculated as above.
- ⁸⁷(3A) The family pension admissible under this rule shall be enhanced by ad hoc increase at such scales and in such manner as the Central Government may, from time to time, specify for officers of the Central Services Group 'A'.
- (4) For the purpose of this rule- "family" shall include the following relatives of the members of the Service
- (i) wife or husband;
 - (ii) sons;
 - (iii) unmarried and widowed daughters;
 - (iv) brothers, below the age of 18 years; and unmarried or widowed sisters;
 - (v) father; and
 - (vi) mother.

NOTE 1.- Items (ii) and (iii) will include step-children.

NOTE 2. An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer, or if any doubt arise in the mind of the Accounts Officer, the Solicitor to the State Government, is satisfied that under the personal law of the member of the Service, adoption is legally recognized as conferring the status of the natural child.

- (5) No family pension shall be payable under this rule-
- (a) to a person mentioned in clause (b) of sub-rule (6) without the production of reasonable proof that the person was dependent on the member of the Service for support;
 - (b) to an unmarried woman member of the family of the member of the Service, in the event of her marriage;

⁸⁷ Substituted vide DP&AR Notification No. 25011/9/76-AIS(II)A dt 15.6.77

- (c) to a widowed woman member of the family of the member of the Service in the event of her re-marriage;
 - (d) to a brother of a member of the Service, on the former attaining the age of 18 years; and
 - (e) to a person who is not member of the family of the member of the Service.
- (6) Except as may otherwise be provided by a nomination under sub-rule (7)-
- (a) a family pension under this rule shall be allowed-
 - (i) to the eldest surviving widow if the deceased was a male member of the Service or to the husband if the deceased was a woman member of the Service.
 Explanation.- The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the age of the surviving widows;
 - (ii) failing a widow or husband, as the case may be, to the eldest surviving son;
 - (iii) failing (i) and (ii), to the eldest surviving unmarried daughter;
 - (iv) failing the above, to the eldest widowed daughter.
 - (b) in the event of no family pension becoming payable under clause (a), family pension may be granted-
 - (i) to the father;
 - (ii) failing (i) above, to the mother;
 - (iii) failing (i) and (ii) above to the eldest surviving brother below the age of 18;
 - (iv) failing (i) to (iii) above, to the eldest surviving unmarried sister;
 - (v) failing (i) to (iv) above, to the eldest surviving widowed sister.
- (7) If a member of the Service who has completed 10 years service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in Schedule H indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid, the family pension shall be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-rule(5) at the time of the grant of such pension. In case the person concerned does not satisfy the requirements of sub-rule (5), family pension shall be granted to the person next lower in that order.

NOTE.- The provisions of clause (a) of sub-rule (7), sub-rule(8) and (9) of rule 21 shall apply in respect of nomination made under this sub-rule also.

- (8) (a) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

- (8) (b) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other causes, it shall be re-granted for the unexpired portion of that period to a person next lower in the order shown in the nomination made under sub-rule (7) or in the absence of a nomination, to the person in the order mentioned in sub-rule (6), who satisfies the other provisions of this rule.
- (9) A family pension sanctioned under this rule shall be tenable in addition to any compensation or any extraordinary pension or gratuity that may be granted to the member of the pensioner's family under the existing Rules or Acts.

⁸⁸22(10) []

⁸⁹22-A. **Continuation of family pension benefits-**

- (1) In respect of widows or minor children who were actually in receipt of family pension on the 31st December, 1963, or who become entitled to family pension under these rules consequent on the death on or after the 1st January, 1964, of an officer who retired as a member of the Service before that date, the period of payment of family pension shall be extended beyond the expiry of the period of which family pension is admissible under rule 22, upto:
- (a) the date of death or re-marriage, whichever is earlier, in the case of widows; and
- (b) the date of attaining majority in the case of children (or, the date of marriage, if earlier, in the case of daughters).
- (2) The rate of family pension for the extended period will be equal to half the family pension admissible previously subject to a minimum of Rs.20 per mensem.

NOTE.- The benefits of the rule are subject to the general conditions laid down in sub-rules (8), (9) and (10) of rule 22.

- ⁹⁰(3) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time specify for officers of the Central Services Group 'A'.

⁹¹22-B (1) **Application.-** This rule shall apply to:

- (a) All the members of the Service appointed to the service on or after the 1st January, 1964.
- (b) All those who were members of the Service on 31st December, 1963 and who opted or are deemed to have opted for this rule under the general or special orders issued by the Central Government.
- ⁹²(2) Subject to the provisions of rule 22C, ⁹³with effect from the 1st day of January 1996, family pension shall in no case be less than thirty percent of the

⁸⁸ Deleted vide MHA Notification No. 25011/7/82-AIS(II) dt 24.3.83

⁸⁹ Inserted vide MHA Notification No. 29/50/64-AIS(II) dt 19.6.65

⁹⁰ Substituted vide DP&AR Notification No. 25011/9/76-AIS(II) dt 15.6.77 (GSR No. 830 dt 2.7.77)

⁹¹ Substituted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83 (GSR NO. 293 dt 9.4.83)

minimum pay in the revised scale of pay introduced with effect from the 1st day of January, 1996 of the post last held by the pensioner or the deceased member of the Service as the case may be subject to the minimum of rupees one thousand two hundred and seventy five per mensem and a maximum of rupees nine thousand.

⁹⁴NOTE: In case, the members of the Service who retire or will be retiring between the 1st day of January, 1996 and the 31st day of December, 1997 exercise an option to retain the pre-revised scales of pay, the family pension in such cases shall be allowed in accordance with the rules and orders applicable prior to the 1st day of January, 1996 and shall be calculated with reference to the basic pay in the pre-revised scale. To the family pension so calculated Dearness Relief upto average AICPI 1510 at the prescribed rate shall be added. The amount so arrived at shall be regarded as the family pension for regulating payment of Dearness Relief beyond average AICPI 1510.

- (3) The period for which family pension is payable shall be as follows:-
- (i) In the case of a widow or widower, upto the date of death or remarriage, whichever is earlier;
 - (ii) ⁹⁵in the case of a son or unmarried daughter till such son or daughter attains the age of 25 years or upto the date of his/her marriage, whichever is earlier;
 - (ii a) in the case of a widowed/divorced daughter till her re-,marriage, subject to the income criterion as prescribed by the Central Government from time to time.
 - (iii) in case of parents, up to the death of both the parents.

Provided that if the son or daughter of a member of the service is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years in the case of a son or a daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

- (a) if such son or daughter is one among two or more children of the member of the service, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (5) of this rule until the last minor child attains the age of 25 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 or her, for life;
- (b) 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:
 - (i) 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;
 - (ii) 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;

⁹² Substituted vide DP&AR Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522E)

⁹³ Substituted vide DP&T Notification No. 14021/5/98-AIS(II) dt 14.1.99 (GSR No. 35 E dt 14.1.99)

⁹⁴ Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 717E dt 19.12.97)

⁹⁵ Substituted vide notification No. 25014/10/2005, dated 20/12/2005.

- ⁹⁶(c) family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of physically crippled or disabled son/daughter who had attained the age of majority;
- (d) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature 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;
- (e) the person receiving the family pension as guardian of such son or daughter ⁸⁸or such son or daughter not receiving the family pension through guardian, 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.

Notes: []⁹⁷ Omitted.

1. A daughter shall become ineligible for family pension under the sub-rule from the date she gets married.
2. The family pension payable to such a son or daughter shall be stopped, if he/she starts earning his/her livelihood.
3. In such cases it shall be the duty of the guardian ⁹⁸or son or daughter 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.

(4)(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 a widow, her share of the family pension shall become payable to her eligible child; provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.
- (b) Where the deceased member of the service 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 member of the service or pensioner.

(5):

- (i) Except as provided in sub-rule (4), the family pension shall not be payable to more than one member of the family at the same time.
- (ii) If a deceased member of the service 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 the age of 21 years and thereby become ineligible for the grant of family pension.

⁹⁶ Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(B) dt 19.1.91

⁹⁷ Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)B dated 1.1.1991

⁹⁸ Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)B dated 1.1.1991

- (6) Where a deceased member of the Service or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) of clause (iii) of sub-rule (3) as the case may be, and after the expiry of the period the next child shall become eligible for the grant of family pension.
- (7) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.
- (8) In case both wife and husband are members of the service 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, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely:-
- (a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in Rule 22-C, the amount of both the pensions shall be limited to ⁹⁹two thousand five hundred rupees per mensem;
- (ii) if one of the family pensions ceased to be payable at the rate mentioned in Rule 22-C and in lieu thereof the pension at the rate mentioned in sub-rule (2) of this rule becomes payable the amount of both the pensions shall also be limited to two thousand five hundred rupees per mensem;
- (b) if both the family pensions are payable at the rates mentioned in sub-rule (2) of this rule, the amount of two pensions shall be limited to ¹⁰⁰one thousand two hundred and fifty rupees per mensem.
- (9) Where a member of the service dies leaving behind a judicially separated husband or widow, as the case may be, and no child or children, the family pension in respect of the deceased shall be payable to the person surviving:
- Provided that where, in a case, judicial separation is granted on the ground of adultery and the death of the member of the service takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.
- (10) (a) Where a member of the Service dies leaving behind a judicially separated husband or widow as the case may be, with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving persons 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.
- (11) (i) As soon as possible after joining service a member of the Service shall give details of his family in the form given in Schedule J to the Accounts Officer. If he has no family, he shall furnish the details as soon as he acquires a family.

⁹⁹ Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91

¹⁰⁰ Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91

- (ii) If there is a subsequent change in the family, including the marriage of a daughter, the facts shall be intimated to the Accounts Officer, who shall make necessary entry in the form.
 - (iii) The Accounts Officer shall, on receipt of the form, keep it in safe custody and acknowledge receipt of the form and all further communications received from the member of the Service in this behalf.
- (12): (i) The benefits of this rule shall not accrue to the family of a member of the Service who is dismissed or removed from service:

Provided that if such a member of the service was in receipt of compassionate allowance under proviso to sub-rule (1) of rule 5, his family shall be eligible to family pension under this rule;

- (ii) Family pension under this rule shall not be admissible to the family of a member of the Service when the family pension under the Extraordinary Pension Rules (whether made by the Central Government or the State Government) is granted to such family.
- (13) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time, specify for officers of Central Services Group 'A'.
- (14) Definition of "Family".
- 'Family' for the purpose of this rule includes the following relatives of a member of the Service, namely:-
- (i) wife and husband as the case may be, provided the marriage took place before the retirement of the member of the service; []¹⁰¹
 - (ii) a judicially separated wife or husband such separation not being granted on the ground of adultery, and the person surviving was not held guilty of committing adultery.
 - (iii) son and daughter who has not attained the age of 25 year including son and daughter adopted legally before retirement []¹⁰².
 - (iv) ¹⁰³the parents provided they were wholly dependent on the Government servant when he/she was alive and the deceased employee had left behind neither a widow nor a child subject to the dependency criteria in case of parents as prescribed by Central Government from time to time.

¹⁰¹ Deleted vide DP&T Notification No. 25011/40/90-AIS(II) dt 31.10.91

¹⁰² Deleted vide DP&T Notification No. 25011/49/88-AIS(II) dt 29.1.91

¹⁰³ Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 717E dt 19.12.97)

¹⁰⁴22-C. Special Provision regarding family pension in certain cases.

For a period of seven years from the date following the date of death or till the date on which the member of the Service would have ¹⁰⁵(attained the age of 65 years) had he remained alive, whichever period is shorter, the pension payable under sub-rule (2) of rule 22-B, shall be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under the said sub-rule:

Provided that the enhanced pension will be admissible if the member of the Service has put in at least 7 years' continuous service prior to his death:

Provided further that in the event of death after retirement the enhanced pension rates shall not exceed the pension sanctioned to the member of the Service at the time of the retirement inclusive of the part of the pension which the retired member of the Service may have commuted before his death.

Explanation 1.- In case a member of the Service dies while on extension of Service, the date upto which the extension of service has been sanctioned before his death shall be deemed to be the normal date of superannuation.

Explanation 2.- Family Pension in the case of the death of a member of the Service after retirement shall be payable only to those members of his family who were declared as such before his retirement:

Provided that no such declaration is necessary in respect of such of the members of the Service who retire during the period between the 1st January, 1973 and the date of publication of the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1975, in the Official Gazette.

23.[]¹⁰⁶

24.[]¹⁰⁷

25. Commutation of Pension.- A member of the Service may commute his pension under such conditions and to such extent as may be prescribed by Regulations made in this behalf by the Central Government after consultation with the Government of the States.

¹⁰⁸26. Acceptance of employment after retirement.-

(1) A pensioner shall not accept any commercial employment before the expiry of ¹⁰⁹one year from the date of his retirement, except with the previous sanction of the Central Government by submitting an application in Schedule 'L'. If a pensioner accepts a commercial employment without such sanction, it shall be competent for the Central Government to declare by an order in writing 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 the previous sanction may be granted by the State Government concerned on whose cadre the member of the service is borne

¹⁰⁴ Added vide MHA Notification No. 29/61/67-AIS(II) dt 20.3.68 (wef 1.1.85)

¹⁰⁵ Substituted /deleted vide DP&AR Notification No. 33/12/73 – AIS(II) dt 24.1.75 read with No. 25011/29/75-AIS(II) dt 30.1.76 (wef 31.12.72)

¹⁰⁶ Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62

¹⁰⁷ Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62

¹⁰⁸ Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83)

¹⁰⁹ Substituted vide notification no. 26013/2/2006AIS(II) dated 12/1/2007.

and who is not holding a post higher than a post in the pay scale of Rs.22400-24500/- and has not worked under the Central Government during the preceding ¹¹⁰three years prior to his retirement from the service.

Provided further that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

¹¹¹Provided also that it shall be competent for the Central Government or the State Government, as the case may be, to allow the pensioner to continue in any commercial employment in an organisation with whom the services of the Members of the All India Services had been placed immediately before his/her retirement under the provisions of the respective Cadre Rules of All India Services pending formal sanction of such commercial employment subject to the condition that the Member of the Service shall withdraw from such organisation forthwith once a decision is taken by the Competent Authority not to accord such sanction.”

¹¹²Provided also that a pensioner who has been permitted by the Central Government to take up a particular commercial employment during leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

¹¹³*Explanations:*

(1) `Commercial Employment' means: -

- (i) an employment, whether paid or honorary, in any capacity including that of an agent under a company, firm, co-operative society, body or individual engaged in trading, commercial, industrial, financial or professional business, and includes a directorship of such company or partnership of such firm but does not include employment under a body corporate, wholly or substantially owned or controlled by Government;
- (ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which a pensioner has-
 - (a) no professional qualifications and the matters in respect of which the practice is proposed to be set up or carried on are relatable to his official knowledge or experience; or
 - (b) 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) to undertake work involving liaison or contact with the offices or officers of the Government.

NOTE: 1 For the purpose of this Explanation, `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.

¹¹⁰ substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007.

¹¹¹ Inserted vide notification no. 23013/11/2005-AIS(II), dated 8/3/2007.

¹¹² Substituted vide notification no. 29018/11/2003-AIS(I) dated 20/12/2004

¹¹³ Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83)

2. For the purpose of this sub-rule the expression “the date of retirement” in relation to a pensioner re-employed after retirement, without any break either in a Class I post under the Central Government, or in an equivalent post under a State Government, shall mean the date on which such pensioner finally ceases to be so re-employed in Government service.

- (2) A pensioner shall not accept any employment under a Government outside India, (or under an international organization of which the Government of India is not a member) except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts such an employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine:

Provided that a pensioner who has been permitted by the Central Government to take up a particular employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment.

NOTE.- “Employment” under a “Government outside India” shall include 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.

- ¹¹⁴(3) In granting or refusing permission under sub-rule (1) or sub rule (2) to a pensioner for taking up any employment, the Central Government or the State Government, as the case may be, shall have the following factors, namely:-

- (i) whether the organisation the pensioner proposes to join has any conflict of interest or activities prejudicial to India’s foreign relations, national security and domestic harmony; and whether the organisation is undertaking any form of intelligence gathering;
- (ii) whether the pensioner has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organisation which he proposes to join or the areas in which he proposes to practice/consult,
- (iii) whether there is conflict of interest between policies of the office(s) held by the pensioner during the last three years and the interest represented or work undertaken by the organisations he proposes to join. Such conflict of interest, however, should not be interpreted narrowly to mean normal economic competition with Government or its Undertakings,
- (iv) whether the service record of the pensioner is clear, particularly with respect to integrity and dealings with Non-Government Organisations,
- (v) the emoluments offered by the proposed employer to the pensioner and whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevalent in the Industry.(The word “far in excess” should not be narrowly interpreted to cover increases in such

¹¹⁴ Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007

benefits that may be result of buoyancy in the industry or in the economy as a whole); and

(vi) any other relevant factors.”

27. Anticipatory Payments:-

- (1) Where a member of the Service is likely to retire before his pension can be finally, assessed and settled in accordance with these rules, the Accounts officer shall sanction the disbursement to him of pension to which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the Service to be entitled, on the basis of his verified qualifying service, provided that such disbursement shall be made only after the declaration specified in Schedule 'I' has been signed by the retiring member of the service.
- (2) If the Accounts Officer considers it likely that, in a case contemplated under sub-rule (1), the member of the Service would be entitled to gratuity only, one-sixth of the amount of gratuity which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the Service to be entitled shall, upon a similar declaration, be disbursed to him monthly until the amount is finally settled or for six months, whichever period is less.
- (3) The payment of the anticipatory pension or gratuity shall be so arranged that it is not delayed beyond the first of the month following the month in which the member of the Service is due to retire.
- (4) If, upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first payment after such final settlement:

Provided that if a gratuity summarily assigned under sub-rule (2) proves to be larger than the amount finally settled, the retired member of the Service shall not be required to refund any excess actually paid to him unless otherwise decided by the State Government.

- (5) Subject to the general conditions prescribed above the anticipatory payments of death-cum-retirement gratuity and family pension may also be sanctioned to the extent of 3/4ths of the amounts clearly admissible on the basis of the qualifying service as verified up to the date of sanction, and after a declaration in the form given in Schedule 'I' has been signed by the recipient.

¹¹⁵27-A Revision of Pension after authorisation-

- (i) Subject to the provisions of rule 3 and Rule 6, Pension once authorised after final assessment shall not be revised to the disadvantage of the member of the service, unless such a 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 any Authority without the concurrence of

¹¹⁵ Inserted vide DP&T Notification No. 25011/24/97-AIS(II)A dt 19.12.97 (GSR No. 717E dt 9.12.97)

the Department of Personnel and Training, if the clerical error is detected after a period of two years from the date of occurrence of such error.

- (ii) For the purpose of sub rule (I), the pensioner concerned shall be served with a notice by the sanctioning authority requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.
- (iii) In case the pensioner fails to comply with the notice, the authority competent to sanction pension/family pension 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 such authority may direct.

28 Miscellaneous:-

- (1) The amount of pension shall be rounded off to next higher rupee.
- (2) The retirement benefits under these Rules shall be drawn in rupees in India only.
- (3) Application for the grant of retirement benefits under these Rules shall be made in such form as may be prescribed by the Central Government.
- (4) The ¹¹⁶[] payment of retirement benefits admissible under these Rules shall be regulated by such procedural instructions as may be issued by the Central Government.
- (5) A pension under these Rules shall be payable from the date on which the date on which the member of the Service quits service or from the date of his application for pension whichever is later.

Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the State Government may allow the pension to take effect from the date on which the member of the Service quits service.

- (6) The claim of a member of the service to the retirement benefits shall be regulated by the rules in force at the time when the member of the service resigns, retires or is retired or discharged from service or where the member of the Service dies while in service immediately before death.
- (7) The authorities competent to retire a member of the Service on different kinds of retirement benefits shall be those indicated in ¹¹⁷Schedule K.

29 Interpretation:- If any question arises as to the interpretation of these rules, the Central Government shall decide the same.

30. Repeal:- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.

¹¹⁶ Omitted vide DP&AR Notification No. 25011/13/80-AIS(II) dt 11.9.80 (GSR No. 978 dt 27.9.80)

¹¹⁷ Substituted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83 (GSR No. 293 dt 9.4.83)

SCHEDULES¹¹⁸**SCHEDULE A - [Deleted.]**¹¹⁹**SCHEDULE B ["]****SCHEDULE C***(a) Form of Medical Certificate in India*

The form of the certificate to be given respecting a member of the Service in India is as follows:-

"Certified that we have carefully examined A.B. son of C.D.....holding the post of Under the Government..... His age is by his own statement.....years, and by appearance aboutyears. We consider A.B. to be completely and permanently incapacitated for further service of any kind in the Indian Administrative Service/Indian Police Service in consequence of (here state disease or cause). His capacity does not appear to us to have been caused by irregular or intemperate habits".

NOTE- (If the incapacity is obviously the result of intemperance, substitute for the last sentence: "In our opinion his incapacity is the result of irregular or intemperate habits".)

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made. `We are of opinion that A.B. is fit for further service of a less laborious character than that which he has been doing (or may after resting formonths, be fit for further service of a less laborious character than that which he has been doing)'.

(b) Form of Medical Certificate in countries outside India

The form of the medical certificate given by the Medical Board attached to the Indian Mission abroad in respect of a member of the Service in a station outside India is as follows:-

"We have carefully examined A.B.taking into account all the facts of the case as well as his present condition, we consider that A.B. , is permanently incapacitated for further service in India".

NOTE:- (If the incapacity is obviously the result of intemperance add the following sentence at the end:-

"In our opinion his incapacity is the result of irregular or intemperate habits".)

118 Deleted vide DP&AR Notification No. 25011/14/79-AIS(II) dt 1.9.79 wef 31.3.79 (GSR No. 151 dt 15.9.79)

119 Deleted wef 31.12.72 vide DP&AR Notification No. 33/12/73-AIS(II) dt 24.1.75 read with No. 25011/29/75 dated 30.1.76

¹²⁰**SCHEDULE D**

Nomination for death-cum-retirement Gratuity (when the member of the Service has a family and wishes to nominate one member thereof)

I hereby nominate the person mentioned below who is a member of my family and confer on him the right to receive any death-cum-retirement gratuity that may be sanctioned by State Government in the event of death while in service and the right to receive on my death, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the member of the Service	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service the nominee dying after the death of the member of the Service but before receiving payment of the gratuity.	Amount of share or gratuity payable to each
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on which stands cancelled. Dated this..... day of19 at.....

¹²¹**SCHEDULE E**

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has a family and wishes to nominate more than one member thereof)

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below any death-cum-retirement

120 Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

121 Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:

Name and address of nominee	Relationship with the member of the Service	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service or the nominee dying after the death of the member of the service but before receiving payment of the gratuity	*Amount of share of gratuity payable each
1	2	3	4	5	6	7

¹²²**SCHEDULE F**

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has no family and wishes to nominate one person)

1. having no family, hereby nominate the person mentioned below and confer on him the right to receive any death-cum-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the member of the Service	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service but before receiving the payment of gratuity	Amount or share of gratuity payable to each*
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on.....which stands cancelled.

Dated this.....day of.....19 at.....

Witnesses to Signature:

1.....

2.....

Signature of the member of the Service.

¹²³**SCHEDULE G**

Nomination for death-cum-Retirement Gratuity

(When the member of the Service has no family and wishes to nominate more than one person)

1. having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any death-cum-retirement gratuity that may be sanctioned by State government in the event of my death while in service specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominees	Relationship with the member of the Service	Age	Amount or share gravity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service or the nominee dying after the death of the member of the Service but before receiving the payment of gratuity	Amount of share of gratuity payable to each+
1	2	3	4	5	6	7

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.

¹²³ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

Dated this.....day of.....19 at.....

Witnesses to signature:

1.....

2.....

Signature of the member of the Service.

N.B.- The officer shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

*This column should be filled in so as to cover the whole amount of gratuity.

+The amount/share of gratuity shown in this column should cover the whole amounts/share payable to the original nominees.

¹²⁴**SCHEDULE H**

Nomination for Family Pension

I hereby nominate the persons mentioned below, who are members of my family, to receive, in the order shown below, the family pension which may be granted by State Government in the event of my death after completion of 10 years qualifying service.

Name and address of nominee	Relationship with the member of Service	Age	Whether married or unmarried
1	2	3	4

This nomination supersedes the nomination made by me earlier on Which stands cancelled.

Dated thisday of 19 at

Witnesses to signature:

1.....

2.....

Signature of the member of the Service.

N.B.- The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

SCHEDULE I*Declaration Form*

Whereas the.....(here state the designation of the officer sanctioning the advance) has consented provisionally, to advance to me the sum of Rs.....a month/Rs.....in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of gratuity/pension/death-cum-retirement gratuity/family/pension, payable to me ¹²⁵(as the nominee/legal heir of Shri.....)

I hereby acknowledge that, in accepting this advance I fully understand that any gratuity/pension/death-cum-retirement gratuity/family pension, payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional gratuity/pension/death-cum-retirement gratuity/family pension now to be paid to me exceeds the gratuity/pension/death-cum-retirement gratuity/family pension which may be finally sanctioned to me. I further promise to repay any amount advanced to me in excess of the gratuity/pension/death-cum-retirement gratuity/family pension that may be finally sanctioned to me.

Signature.....

Designation (if a Government Servant).....

Station.....

Date.....

Witnesses to signature:

(With address),

1.....

2.....

¹²⁶**SCHEDULE J**

[See rule 22B(11) (i)]

Details of Family

Name of the member of the Service:

Designation :

Date of birth:

Date of appointment:

Details of the members of my family as on:

125 The words may be omitted where inapplicable

126 Inserted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83

I hereby undertake to keep the above particulars up-to-date by notifying to the State Government/Accounts Officer any addition or alteration.

Place:

Date :

Signature of the member of Service

S.No	Name of the member of Family ¹²⁷	Date of birth	Relationship with the officer	Remarks
1	2	3	4	5

SCHEDULE K

Authorities Competent to Retire a Member of the service on various kinds of Retirement Benefits.

	Nature of Retirement Benefits	Authority Competent to Retire
	1	2
(i)	Proportionate pension under rule 7 and death-cum-retirement gratuity where admissible.	Central Government.
(ii)	Invalid gratuity or pension under rule 13 and death-cum-retirement gratuity where admissible.	State Government after obtaining then concurrence of the Central Government.
¹²⁸ (iii)	@ Superannuation pension or gratuity under sub-rule (4) of rule 16 and death-cum-retirement benefits where admissible.	State Government.
(iv)	Retiring pension under rule 17@ ¹²⁹ [read with rule 16(2)16(2A) and death-cum-retirement gratuity where	State Government.

¹²⁷ The words may be omitted where inapplicable

¹²⁸ Substituted wef 30.8.65 vide Notification No. 29/10/64-AIS(II) dt 1.9.65

¹²⁹ Substituted vide MHA Notification No. 29/47/60-AIS(II) dt 20.1.68.

	admissible.	
(iv-a)	Retiring pension under rule 17 ¹³⁰ [read with rule 16(3)] and death-cum-retirement gratuity where admissible.	Central Government in Consultation with the State Government concerned.
(v)	Family Pension under rule 22, ¹³¹ 22A and 22B and death-cum-retirement gratuity where admissible.	State Government.

¹³² **“Schedule L”**

(See sub-rule (1) and (2) of rule 26)

Form of application to accept commercial employment

1. Name
(in block letters)
2. Date of retirement
3. Ministry/Department/Office in which the officer served during the last three years preceding retirement (with duration):

Name of the Ministry/ Department/ Office	Post held	Duration	
		From	To

Note: Before granting permission a ‘no objection’ would be obtained from the Cadre Controlling Authority and from the office from where the officer retired.

4. Post held at the time of retirement and period for which held
5. Pay scale of the post and pay drawn by the Officer at the time of retirement
6. Pensionary benefits:

Pension expected/sanctioned (commutation, if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment proposed to be taken up-

130 [] added vide Notification No. 29/50/64-AIS(II) dt 19.6.65

131 Substituted /inserted/modified vide Notification No. 25011/7/82-AIS(II) dt 24.3.83

132 Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007

- (a) Name of the firm/company/co-operative Society, etc.
- (b) Type of business carried out and products being manufactured or services being provided by the firm/ company/co-operative Society, etc.
- (c) Whether the officer had during the last three years of his official career, any dealings with the firm company/co-operative Society, etc.
- (d) Duration and nature of the official dealings with the firm/company/co-operative Society, etc.
- (e) Name of the job/post offered by the firm/company/co-operative Society, etc.
- (f) Whether post was advertised, if not, how was offer made (attach details of the advertisement, and a copy of the offer of appointment, if any).
- (g) Description of the duties of the job/post.
- (h) Remuneration offered for post/job.
- (i) If proposing to set up a practice, indicate
 - (i) professional qualification/in the field of practice,
 - (ii) nature of proposed practice.

9. Any information which the applicant desires to furnish in support of his request.

10. Declaration :-

I hereby declare that-

- (i) The employment which I propose to take up will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office(s) held by me during the last three years and the interest represented or work undertaken by the organisations I propose to join and will not bring me into conflict with the working of the Government.
- (ii) I have not been privy to sensitive or strategic information in the last three years of service which is directly related to the areas of interest or work of the organisation which I propose to join or the areas in which I propose to practice/consult.
- (iii) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.

I agree to withdraw from the Commercial Employment in case of any objection by the Government.

Address:

Place:

Dated:

Signature of the applicant.”

GOVERNMENT OF INDIA'S DECISIONS

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 1

1. *The moS has the option to draw death-cum-retirement gratuity under the liberalised pension rules or under the old rules applicable to officers of the Central Services Class I:* - The Government of India decided to give option to certain categories of officers to elect the old Rules by which they were governed previously of the pension rules as applicable to officers of the Central Services Class I. The following categories of officers were accordingly given the option indicated against them. The option was to be exercised in writing and communicated to the Accounts Officer within the stipulated time-limit. The option once exercised was final.

The officers who elected to be governed by the pension rules as applicable to officers of the Central Services, Class-I, were subsequently brought under these Rules after they were promulgated.

2. The Government of India have decided that, where death-cum-retirement gratuity has been drawn under the Liberalised Pension Rules by an officer who subsequently opted to be governed by the Old Pension Rules, the gratuity amount shall first be offset against any arrears of pension that may become due to him consequent on opting for Old Pension Rules. The remaining amount if any, may be recovered in one of the following methods. The officer concerned may also be given the option to elect for one of these two methods:-

- (i) the death-cum-retirement gratuity may be recovered in one lump-sum where this is possible or in such number of instalments as, in the opinion of the State Government will not put the officer to undue hardship subject to the condition that the number of such instalments does not exceed twelve. Where the amount is proposed to be recovered in instalments, a bond or other instrument may be taken from the officer binding himself and his heirs to refund the excess of death-cum-retirement gratuity recoverable from him;
- (ii) the death-cum-retirement gratuity may be treated as the commuted value of pension and adjusted accordingly. This method will be applicable only to those officers who have not already commuted any portion of their pension or have commuted less than the permissible limit, viz., half of the annuity. Where an officer had already commuted to the extent of one-third and becomes eligible for commuting one-half pension consequent on opting for Old Pension Rules, he need not be subject to a further medical examination. In the case of officer, who had not commuted any portion of their pension earlier the gratuity recoverable from them should be treated as automatic commutation of pension and the revised rate of pension reduced by the pension equivalent of gratuity as on age next birth day after retirement. They need to undergo medical examination only in case they desire to commute their pension further. The amount that may become admissible may then be set off against the amount of gratuity already received by the officers and the balance, if any, recovered in one instalment.

2.2. Individual cases of hardship may, however, be referred to the Government of India as and when they arise.

[G.I., M.H.A. letter No. 2/16/56-AIS (II) Pt. II, dated the 31st March 1958, read with 2/33/58-AIS(III), dated the 8th April, 1959 and 2/43/59-AIS(III), dated the 17th June, 1959.]

3. Provisions of these rules are extended to the moS who retired/died before 29th November, 1951, but elected to be governed under these rules: - It has been decided to extend these rules to officers who retired/died before the 29th October, 1951, but elected or are deemed to have elected these rules under the option given to them. It has also been decided that, in appropriate cases, provisions of article 487-A of the Civil Service Regulations may be applied, although these rules do not contain a similar provision.

[G.I., M.H.A. letter No. 2/28/59-AIS(III), dated the 24th April, 1959, read with letter No. 2/41/59-AIS(III), dated the 24th August, 1959.]

4. IPS officers can retire under the Premature Retirement Rules: - A question arose whether Indian Police Officers who elect to be governed by the All India Services (Death-cum-Retirement Benefits) Rules, 1958, had the right to retire under Premature Retirement Rules. Rule 30 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, has replaced only the corresponding provisions in the Superior Civil Service Rules, the Civil Services Regulations etc. and not the Premature Retirement Rules. The above category of Indian Police Officers shall therefore, retain the right to retire under the Premature Retirement Rules. In case of retirement under Premature Retirement Rules the pension shall, however, be determined under those Rules, and not under the All India Services (Death-cum-Retirement Benefits) Rules, 1958.

[G.I., M.H.A. letter No. 2/10/59-AIS(III), dated the 9th August, 1960.]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 2

1. The State Government can issue a certificate with referent to a cadre post only. Additional charge allowed may be treated as pay for the purpose of calculation of pension: -

- 1.1 Note (iii-b) below clause (aa) of rule 2(1) provides that in the case of a member of the Service, who was deputed to any foreign service during the last 10 months of his service, the pay should be reckoned with reference to his entitlement in the cadre. For this purpose a certificate given by the State Government would be sufficient. A question has been raised whether the State Government can issue such a certificate with reference to an ex cadre post. It has been decided in consultation with the Comptroller and Auditor General of India that the State Government can issue such a certificate with reference to a cadre post only. If a State Government issues such a certificate with reference to a cadre post having regard to the seniority of the officer, its validity cannot be questioned on the ground that the officer concerned never held such a post within the cadre or that there was no vacancy in the cadre during that period against which the certificate has been issued by the State Government.
- 1.2 It has been decided that the additional charge allowance granted to a member of the All India Service under rule 9B of the IAS(Pay) Rules or the corresponding rules applicable to the IPS and IFS should be treated as pay for the purpose of calculation of pension. [DP & AR letter No. 25011/56/77-AIS (II), dt. 16.2.78.]
2. The Ministry of Finance (Department of Expenditure) have issued orders treating a portion of dearness allowance as pay for the purpose of calculation of retirement benefits in the case of Central Government servants, who retired on or after the 30th September, 1977 vide their O.M. No. 19(4)-E. V/79, dated the 25th May, 1979.
- 2.2 The question of extending the above order to members of All India Services, who retired on or after 30th September, 1977 has been considered. It has been decided that out of the dearness allowance admissible, the following amounts shall be treated

as pay under sub-clause (iii) of clause (g) of sub-rule (1) of rule 2 of AIS (DCRB) Rules, 1958, in the case of members of All India Services, who retired on or after the 30th September, 1977:-

(a)

<i>Pay range</i>	<i>Amount of Dearness Pay</i>
(i) Up to Rs.2157	27% of pay subject to maximum of Rs.243.00
(ii) Above Rs.2157 and up to Rs.2399	The amount by which pay falls short of Rs.2400.00

(b) in the case of officers drawing pay above Rs. 2180/- and retiring on or after 1-12-78, the amount of dearness pay will be as follows in substitution of provisions of para 2.2(a)(ii) above:-

<i>Pay range</i>	<i>Amount of Dearness Pay</i>
(i) Above Rs.2180 and up to Rs.2380/-	Rs.220.00
(ii) Rs.2381 up to 2450/-	The amount by which pay falls shorts of Rs.2600/-
(iii) Rs.2451/- and Up to Rs.2500	Rs.150.00
(iv) Rs.2501/- and up to Rs.2599/-	The amount by which pay falls short of Rs.2600/- + Rs.50/-
(v) Rs.2600 and up to Rs.2650/-	Rs.50/-
(vi) Above Rs.2650/-	Nil

Officers drawing between Rs.2157/- and Rs.2179/- will continue to be governed by the provisions of para 2.2(a)(ii) above.

The amount of dearness pay as indicated in para 2 above, will be treated as emoluments under clause (bb)(ii) of sub-rule (1) of rule 2 *ibid* for calculating pension and gratuities. However, there will be no change in the maximum amount of gratuity of Rs.30,000.00 admissible under rule 19 *ibid* . or in the minimum emoluments of Rs.2,500.00 per month that could be taken into account from computing DCR gratuity, as envisaged in Note below rule 19 *ibid*.

The amount of dearness pay as indicated in para 2 above, will be taken into account for determining average emoluments as envisaged in sub-rule (1) (aa) of rule 2 *ibid* for calculating pension except as stated in para 2.3 below.

2.3 In the case of officers who have already retired on or after 30.9.1977/1.12.1978 but within 10 months of those dates, the average emoluments will be calculated as follows:

(a)

(i) In the case of officers who retired between 30.9.1977 and 28.2.1978

One half of dearness pay appropriate to the pay equal to such average emoluments shall be added to the average emoluments.

(ii) In the case of officers who retired on or after 1.12.1978 but not later than 30.4.1979 and are governed by para 2.2(b)

(b)

(i) In the case of officers who retired after 28.2.1978, and

Full dearness pay appropriate to the pay equal to such average emolument shall be added to the average emoluments.

(ii) Those who retired after 30.4.1979 and are governed by para 2.2(b) above.

2.4 Pension and gratuities of officers who have already retired or died on or after the 30th September, 1977 shall be recalculated on the above basis, and arrears, if any, paid subject to such adjustments as may be necessary. Officer who retired on or after the 30th September, 1977, but not later than the 30th April, 1979, will have an option to choose either of the two alternatives below:-

(a) to have their pension and DCR Gratuity calculated on their pay excluding the element of Dearness Pay as indicated in para 2.2 above in accordance with the rules in force on 30.9.1977 and get graded reliefs on pension to the full extent admissible from time to time;

OR

(b) to have their pension and DCR Gratuity recalculated after taking into account the element of dearness pay. In such cases, the first four instalments of graded relief sanctioned upto the average index level 272 will not be admissible; these pensioners will be entitled only to the instalments of graded relief sanctioned beyond the average index level 272.

2.5 The option will have to be exercised by 31.1.1980. The option once exercised will be final. In cases where the pensioner has died before exercising an option, the State Government/Accountant General will, on an application made to them, calculate the pension and death-cum-retirement gratuity on the existing basis as well as on the basis of merged portion of dearness allowance, and allow the more advantageous of the two to the persons entitled to receive the arrears of pension. Those who fail to exercise the option or make an application (in the case of death of a pensioner) within the stipulated period will be governed by para 2.4(b) above.

2.6 Where the option is exercised in favour of the alternative (b) in para 2.4 above, the amount of graded relief paid in excess of that now admissible will be adjusted

against the balance of D.C.R. gratuity payable or against the future payments of reduced amount of graded relief.

- 2.7 These orders may be brought to the notice of all All India Services officers, who retired on or after the 30th September, 1977.
- 2.8 These orders are issued with concurrence of Ministry of Finance (Department of Expenditure) vide their UO No. 4562-EV/79, dated 11.7.1979.

[DP&AR letter No. 25011/15/79-AIS(II), dated the 27th July, 1979.]

3. Orders of the Ministry of Finance treating a portion of additional dearness allowance as dearness pay in the case of Central Government servants is extended to the members of the AIS: - The question of extending the orders contained in the Ministry of Finance O.M. No. F. 1(3)-E.V./82, dated 8.4.1982 to members of the All India Services who retired on or after 31.1.1982 has been considered and it has been decided that the orders of the Ministry of Finance treating a portion of additional dearness allowance as dearness pay in the case of Central Government servants should also be extended to the members of the All India Services. Accordingly, it has been decided that out of the additional dearness allowance now admissible, the following amount shall be treated as pay under sub-clause (iii) of clause (g) of sub-rule (1) of rule 2 of A.I.S. (DCRB) Rules, 1958 in the case of members of the Service who retired/retire on or after 31.1.1982.

<i>2 Pay range</i>	<i>Amount of Dearness Pay</i>
(i) Pay upto Rs. 2037	15% of pay subject to a maximum of Rs.120/-
(ii) Pay above Rs.2037	Rs. 370/- including the amount of dearness allowance treated as dearness pay under this Department's letter No. 25011/15/79 AIS (II) dated the 27th July, 1979.

3. The amount of dearness pay as indicated in para 2 above, will be treated as emoluments under clause (bb)(ii) of sub-rule (1) of rule 2 *ibid* for calculating pension and gratuity. It is proposed to revise the ceiling of DCR gratuity from Rs. 30,000 to Rs. 36,000 by suitable amending rule 19(3) *ibid*. However, there will be no change in the maximum emoluments of Rs. 2500/- p.m. that could be taken into account for computing DCR gratuity as envisaged in the note below rule 19 *ibid*.

4. The amount of dearness pay as indicated in para 3.2 above will be taken into account for determining average emoluments as envisaged in sub-rule (1) (aa) of rule 2 *ibid* for calculating pension except as indicated in para 3.5 below.

5. In the case of officers who have already retired on or after 31.1.1982 or may retire hereafter, but within ten months from that date, the ultimate average emoluments will be calculated as follows:

- | | |
|--|---|
| (a) In the case of officers who retired/retire between 31.1.82 and 29.6.82 | One half of dearness pay appropriate to the pay equal to such average emoluments as per para 3.2 above, shall be added to the average emoluments. |
| (b) in the case of officers who retire after 29.6.82. | Full dearness pay appropriate to the pay equal to such average emoluments as per para 3.2 above, shall be added to the average emoluments. |

6. Officers who retired/retire on or after 31st January, 1982 will have an option to choose either of the two alternatives below:-

- (a) to have both pension/service gratuity and DCR gratuity calculated on their pay, without including the element of dearness pay indicated in para 3.2 above, and get dearness relief on pension as for these governed under para 4(b) of this department's letter dated the 27th July, 1979.

OR

(b) to have both pension/service gratuity and DCR gratuity calculated after taking into account the element of dearness pay now being merged. In such cases, the pensioners will be entitled only to the instalments of dearness relief sanctioned beyond the average index level 320.

7. The option may be exercised within six months before retirement. Officers who have retired on or after 31.1.1982 but before the issue of these orders, may exercise their option within six months from the date of issue of this order. The option once exercised shall be final. Those who fail to exercise the option within the stipulated period will be deemed to be governed by para 6(b) above. If a pensioner has died before exercising the option, the State Government / Accountant General shall calculate the pension and gratuity under both the options in para 6 above, and sanction the more advantageous of the two.

8. Where the option is exercised in favour of the alternative (b) in para 6 above, the amount of dearness relief in pension paid in excess of that now admissible will be adjusted against the balance of DCR gratuity payable or against the future payments of reduced amount of dearness relief.

9. These orders may be brought to the notice of all members of the service who retired/retire on or after 31.1.82.

10. These orders are issued with the concurrence of the Ministry of Finance (Department of Expenditure) vide their U.O. 1664-EV/82, dated 17.5.1982.

[DP&AR letter No. 25011/11/82-AIS (II), dated the 1st June, 1982 read with letter No. 25011/11/82-AIS (II), dated 10.5.82.]

4. A moS on Central Deputation, who takes leave and retires at the end of leave, it may be deemed that he would have continued to officiate in the post in the Central Government before leave, but proceeding on such leave and accordingly his average emoluments should be determined for the purpose of calculation of retirement benefits: - A cases has arisen in which orders were issued by the Central Government reverting a member of an All India Service on deputation to the Central Government to his parent cadre, but instead of joining duty under the State Government the member of the Service gave three months notice to the State Government under sub-rule (2) of rule 16 of the All India Services (DCRB) Rules, 1958 and applied to the Central Government for grant of leave co-terminus with the period of notice. This leave was granted by the Central Government and the officer proceeded on leave preparatory to retirement and retired from service on the expiry of the leave. A question was raised as to the emoluments for this leave period which should be taken into account for computing the average emoluments of this officer for the 10 months prior to the date of his retirement from service for determining the retirement benefits admissible to him.

2. The matter has been carefully examined in consultation with the Ministry of Law, (Deptt. of Legal Affairs). The emoluments for the leave period in this case which should be taken into account for the purpose of computing the average emoluments of the last 10 months of the service should be determined in the manner laid down in Note 1 below rule 2(1)(aa) ibid

In the present case though the Central Government had passed orders reverting the officer to his parent cadre, yet he did not assume charge of any post under the State Government and instead proceeded on leave preparatory to retirement sanctioned by the Central Government. Therefore, for the purpose of the above note, the emoluments for the leave period should be taken as what they would have been had he not been absent from duty from the post he was holding under the Central Government before he proceeded on such leave.

3. The aforesaid Note 1 below rule 2(1)(aa) *ibid* provides a self-regulating procedure to determine the emoluments in such cases and does not call for the issue of the certificate either by the Central Government or by the State Government as to the emoluments which should be taken into account for computing the average emoluments in the circumstances mentioned in that Note. Keeping in view the position explained above, it has been decided that in the case of a member of an All India Services on deputation of the Central Government who takes leave in continuation of the deputation and retires at the end of the leave, it may be deemed that he would have continued to officiate in the post under the Central Government which he was holding immediately before proceeding on leave but for proceeding on such leave and accordingly his average emoluments should be determined for the purpose of calculation of retirement benefits.

5. Counting of stagnation increment for calculation of pension and other retirement benefits: - According to the provisions of Rule 33 of the Central Civil Services(Pension) Rules, 1972, as amended from 1.1.86, the expression "Emoluments" means only the pay as defined in Rule 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. The question whether the ad hoc increments sanctioned to the Central Government employee on stagnating at the maximum of their scale of pay can be treated as emoluments for purposes of the pension has been under the consideration of Government for some time past, in consultation with the staff side of the National Council(JCM). It has now been decided that stagnation increment shall be treated as emolument and shall be taken into account for calculation of pension and other retirement benefits.

2. These orders take effect from 1.1.1986 i.e. they apply to those who retire on or after 1.1.1986. Formal amendments to the Central Civil Service(Pension) Rules, 1972 are being issued separately.

3. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, this order issues after consultation with the Comptroller and Auditor General of India.

[O.M.No.38/52/90-P&W/A dated 31.10.90]

6. Deemed retirement of members of the All India Services on appointment to the post of Central Vigilance Commissioner and other Vigilance Commissioners in the Central Vigilance Commission:- I am directed to state that this Department has issued a Resolution No.371/20/99-AVD-III dated 13th August, 2002, making specific provision about the filling up of the posts of Central Vigilance Commissioner and other Vigilance Commissioners as also spelling out service conditions of the aforesaid Central Vigilance Commissioner and other Vigilance Commissioners. According to para 1.8 of the said resolution, it has been provided that the salary and allowances payable to and the other conditions of service of:-

- (a) the Central Vigilance Commissioner shall be the same as those of the Chairman of the Union Public Service Commission;
- (b) the Vigilance Commissioner shall be the same as those of a Member of the Union Public Service Commission

2. The Government of India decision below Rule 5 of the AIS(DCRB) Rules, 1958 lays down that a member of an All India Service, on his appointment as Chairman or Member of a Public Service Commission shall cease to be a member of the service from the date he assumes office in the Public Service Commission. His lien on the post held by him or in the cadre shall stand terminated. He shall also cease to be governed by the rules framed under the All India Services Act, 1951, in the matter of pay, leave and pension etc. which will be regulated in accordance with the regulations framed by the President/Governor, as the case may be, in terms of Article 318 of the Constitution of India.

3. In view of the position mentioned in para 1 above that the service conditions of the Central Vigilance Commissioner and other Vigilance Commissioners shall be the same as those of the Chairman of the Union Public Service Commission and those of the other Vigilance Commissioners shall be the same as that of a member of the Union Public Service Commission, it has been decided to make the Government of India decision quoted above applicable to the post of Central Vigilance Commissioner and other Vigilance Commissioners in the Central Vigilance Commission.

[letter no. 24012/14/2002-AIS(II) dated 19th September, 2002]

GOVERNMENT OF INDIA'S DECISION UNDER RULE 5.

1. **Clarification on service benefits accrued to a moS appointed as a Member or Chairman of the Public Service Commission:** - In the case of P.K. Gnanasundara Mudaliar Vs. State of Madras, the Madras High Court has held that when a Government servant is appointed as a Member or Chairman of the Public Service Commission, he ceases thenceforth to be in the service of the Government. The Government of India have accordingly reviewed the position in the light of the judgement under reference, and in supersession of their letter No.15/6/63-AIS(II), dated the 4th October, 1965 have decided that an officer of an All India Service on his appointment as Chairman or Member of Public Service Commission shall cease to be a member of the service from the date he assumes office in the Public Service Commission. His lien on the post held by him or in the cadre shall stand terminated. He shall also cease to be governed by the Rules framed under the All India Services Act in the matter of pay, leave and pension, etc, which will be regulated in accordance with the regulations framed by the President/Governor, as the case may be, in terms of Article 318 of the Constitution.

In order to ensure that the officer concerned does not stand to lose benefits of pension, leave and other service benefits which had accrued to him as a member of an All India Service, prior to his appointment to the Public Service Commission the State Government may take into consideration the following suggestions, while revising the relevant regulations:-

(1) The officer concerned may be permitted to elect to draw his pension and other retirement benefits admissible to him under the All India Services(Death-cum-Retirement Benefits) Rules, 1958, or elect to count his service on the Commission as qualifying service for the purposes of pension under the All India Services(Death-cum-Retirement Benefits) Rules, 1958 provided the retirement benefits in the latter case will be subject to the overall ceiling of the amount of retirement benefits which the officer would have drawn, had he not been appointed to the Commission and continued in service. A time limit of six months from the date of his entering office on Service Commission, may be allowed to exercise this option and the option so exercised will be final.

(2) If the officer elects to draw pension for the service as a member of an All India Service, his pay as Chairman or Member of the Commission may be reduced by the gross amount of

pension and pension equivalent of the retirement benefits. He will also not be entitled to any other pension for the services as Member/Chairman of the Public Service Commission.

(3) Subject to the provisions of sub-para (2) above, the officer will be entitled to the pay of the post of Member/Chairman of the Public Service Commission, as prescribed under the relevant regulations. It will also not be necessary to equate the post in Commission to a cadre post which he would have held as a member of an All India Service. Nor will the officer be entitled to claim benefits under the Next Below Rule, after assuming office in the Commission.

(4) The officer may be permitted to carry forward all the leave at his credit at the time of assumption of office in the Commission. Such leave and also the leave earned by him during his tenure in the Commission may be availed of by the officer before his retirement from the service of the Commission. No leave may be granted so as to extend the tenure of the officer in the Commission. The State Government may, however, make a provision in the State Public Service Commission regulations to the effect that Chairman/Member, Public Service Commission shall be paid cash equivalent of leave salary in respect of unutilised portion of earned leave at his credit at the time of demitting office on the line of the provision contained in regulation 7A of the U.P.S.C.(Members) Regulations, 1969.

(5) The officer may also be permitted to contribute to the Provident Fund under the relevant rules and also to carry forward his balance in the A.I.S. Provident Fund to the new fund account.

GOVERNMENT OF INDIA'S DECISION UNDER RULE 6

1. State Government may follow the instructions contained in the Ministry of Finance O.M., dated 28th February, 1978 while granting provisional pension to All India Services Officers against whom departmental/judicial proceedings are instituted/continued: - The Ministry of Finance (Department of Expenditure) have issued orders in the case of Central Government servants to the effect that retired Central Government servants against whom departmental/judicial proceedings are pending under rule 65 and 74 of the C.C.S. (Pension) Rules, 1972 shall be sanctioned 100 per cent of the pension normally admissible to them as provisional pension vide their O.M. No. 4(1)-E. (V) (A)/78, dated the 28th February, 1978, copy (annexed).

1.2 Under sub-rule (2) of rule 6 of AIS (DCRB) Rules 1958, the State Government is competent to sanction provisional pension to an all India Service Officer against whom departmental/judicial proceedings under sub-rule (1) of this rule, are such proceedings are instituted/continued by the Central Government, the Central Government is the competent authority to sanction provisional pension. The State Government may like to follow the instructions contained in the Ministry of Finance O.M., dated 28th February, 1978 referred to above while granting provisional pension to All India Services Officers against whom departmental/judicial proceedings are instituted/continued by them. It has been decided that the instructions contained in the said O.M. will be applied while dealing with the cases of All India Service Officers against whom departmental/judicial proceedings are initiated/continued by the Central Government.

[DP&AR letter No. 25011/5/79-AIS(II), dated the 31st August, 1979.]

(ANNEXURE to DP&AR Letter No. 25011/5/79-AIS(II), Dated the 31st August, 1979.)

Copy of Ministry of Finance Department of Expenditure O.M. Dated the 28th February, 1978 regarding grant of provisional pension to retired Central Government servants against whom departmental or judicial proceedings are in progress.

1. The undersigned is directed to refer to this Ministry's Office Memorandum No.11(6)-EV(A)/73, dated 22nd July, 1974 on the above subject (copy enclosed) in which it was clarified that the payment of provisional pension to the retiring Government servants against whom departmental/judicial proceedings had been instituted or are continued is mandatory under rule 65 and 74 of the Central Civil Services (Pension) Rules, 1972. It has been brought to the notice of this Ministry that in spite of this clarification provisional pension is not being authorised by some Heads of Offices where departmental/judicial proceedings are pending against a retiring Government servant. Since non-payment to such Government servants, and the Heads of Offices have no discretion in this matter, it is again emphasised that the provisional pension must be sanctioned in all such cases in accordance with the rules. Non-compliance with this rule will be viewed seriously by Government.

2. Rules 65 and 74 *ibid inter-alia* provide that the provisional pension in such cases should not exceed the maximum pension which would have been admissible on the basis of the qualifying service upto the date of retirement of the Government servant.

It has been reported that the discretion vested in the Heads of Offices by these rules which lay down the ceiling for provisional pension, is being used by them to pay less than 100 per cent of the admissible pension. The matter has been considered and it has been decided that even in cases covered by the above mentioned mentioned rules 100 per cent pension, which is otherwise admissible to the Government servants should be authorised as provisional pension, as in cases of normal retirement. No gratuity shall however be paid at this stage.

3. The instructions contained in Office Memorandum No. 14(3)EV(A)/76, dated 28th February, 1976 that provisional pension will become final after six months if not otherwise finalised, will not apply to the provisional pension granted in cases where departmental or judicial proceedings are pending. In these cases the pension can be finalised only after the proceedings are concluded and decision taken in the light of these proceedings.

4. In so far as persons serving in the India Audit and Accounts Department are concerned these orders have been issued after consultation with the Comptroller and Auditor General of India.

GOVERNMENT OF INDIA'S DECISION UNDER RULE 7

1. ***UPSC should be consulted before any order under rule 7 is passed:*** - The Government of India have decided that where, under rule 7, it is proposed to pass an order original, appellate or in exercise of powers of review, granting a pension less than the appropriate scales indicated in rule 18, the Union Public Service Commission should be consulted before the order is passed

[G.I., MHA letter No. 29/20/63-AIS(II), dated the 5th August, 1965.]

GOVERNMENT OF INDIA'S DECISION UNDER RULE 8

1. ***rates of pension contributions in respect of AIS officers on foreign service will be regulated under the procedure laid down in FR and SR:*** - The Government of India have decided that the rates of pension contributions, in respect of office of the All India Services on foreign service in or out of India, shall be the same as those applicable to officers of the Central Services. Class I, viz., the rates which are laid down in Appendix 11-A in Volume-II of the A.G.P & T's Compilation of the Fundamental and Supplementary Rules.

[G.I., M.H.A. letter No. 10/9/66-AIS(II), dated the 31st July, 1956.]

2. It has been decided to extend the period within which option under sub-rules (5) and (6) should be exercised, upto 31st October, 1963.

[G.I., MHA letter No. 29/48/63-AIS(II), dated the 3rd September, 1963]

3. The service rendered by a moS in the Ministry of Defence on contract basis will be regulated by the revised sub-rule 2(A)(a) of rule 8: - A member of the Service, prior to his joining the Service was serving in the Ministry of Defence on contract basis, according to the terms of which he was entitled to bonus. It was decided in his case that his previous service might be treated as temporary contract service, although he was not entitled, to any contributory provident fund benefits for the same and counted as qualifying service to the extent of half under sub-rules (2) and (5) subject to his refunding to Government the bonus that he had drawn together with interest thereon from the date of payment to the date of final refund. The position has since been modified to the extent indicated in the revised sub-rule (2A) (a) of rule 8.

[G.I., MHA letter No. 2/39/59-AIS(III), dated the 1st December, 1959.]

4. Deficiencies in qualifying service cannot be condoned: - These rules do not contain any provision corresponding to article 423 of the Civil Service of Regulations. Deficiencies in qualifying service of members of the Service cannot, therefore, be condoned.

[G.I., MHA letter No. 2/106/59-AIS(III), dated the 8th December, 1959.]

5. Instructions on counting of war service rendered in conjunction with other military service: - The Government of India have decided that members of the Service, who were appointed against vacancies which arose after the 31st December, 1947 shall be allowed to count the war service rendered by conjunction with other military service towards civil pension to the extent of one-half. It however, the whole or any portion of such service satisfies the conditions laid down in Article 356 of the Civil Service Regulations, that portion of the service may be allowed to count in full towards civil pension subject to the provisions of that article. The grant of concession is also subject to following conditions namely:-

- (i) The officer concerned should not have earned a pension under the military rules in respect of the service in question;
- (ii) In the case of service or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age, shall be allowed to count for pension.
- (iii) 'War Service' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth country shall be allowed to count alike for pension and no contribution towards, or share of, pension earned as a result of this concessions shall be claimed from the foreign Government concerned.
- (iv) No refund of bonus or gratuity paid in respect of this 'War Service' shall be demanded from the officer concerned. If, however, the officer has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable. If any portion of the service allowed to count towards civil pension under Article 356 of the Civil Service Regulations, whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) will have to be refunded by the officer concerned; and

2. The Government of India have also decided that in case where an officer is entitled in respect of the "War Service" rendered between 3rd September, 1939, and 1st April, 1946, to the concession on under Article 357C or Article 357D of the Civil Service Regulations, he may either avail himself of the concession under paragraph 1 above in respect of the whole of his military service, including 'War Service' or count the service rendered during the war period for civil pension under Article 357C or Article 357D as the case may be, and the remaining service rendered before or after the war period to the extent of one-half of that service. If however, in the latter case the officer concerned has rendered any military service pensionable under the military rules and satisfying the condition laid down in Article 356 of the Civil Service Regulations, before or after the war period, but did not earn a pension by his 'War them during the Second World War, by itself, or in shall be allowed to count it in full on his refunding an amount of gratuity which shall bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under article 356 bears to the total period of military service including the period of war service.

[G.I., MHA letter No. 2/108/59-AIS(III), dated the 11th December, 1959.] read with DP&AR letter no. 25011/2/79-AIS (II), dated the 14th December, 1979.]

6. Sub-rule (4) will apply to State Service Officers appointed to the Service against the promotion quota: - A question arose whether sub-rule (3) and (4) would apply to State Service officers appointed to the Service against the promotion quota and whether proviso to sub-rule (2) could not be relaxed in the case of war service in view of the fact that there was generally break between was service and subsequent civil service. Sub-rule (3) would apply only in those cases where the officer have been appointed against was reserved vacancies which arose for direct recruitment before 1st January, 1948. It would not therefore apply to State Service officers appointed to the Service against the promotion quota. War Service in their cases is to be regulated in accordance with sub-rule (4) read with Government of India's Decision (5) above.

(6.2) As regards sub-rule (2), it would apply to military service as distinguished from the not rendered in conjunction with war service, to which sub-rule (3) and (4) apply. In the case of military service, that counts as qualifying service under sub-rule (2), the conditions of such service being continuous cannot be relaxed.

7. Previous pensionable service rendered in the State Government by the moS will count for qualifying service: - A question arose whether the previous qualifying service of Uttar Pradesh State Services Officers, who were promoted to the Indian Administrative Services, should be regulated by sub-rule (2) or sub-rule (6), in view of the fact that they held pensionable posts under the State Government carrying Contributory Provident Fund Benefits. It was decided in the case that their previous pensionable service automatically counted as qualifying service invoke the provisions of sub-rule (6).

[G.I., MHA letter No. 2/110/59-AIS(III), dated the 11th March, 1960.]

8. Service Breaks within the State Service can be condoned by the State Government if permissible under the State Rule: - These rules do not contain a provision for condonation of breaks, within State Service. Further, sub-rule (2) provides that previous service shall count as qualifying service under these rules provided the service is otherwise continuous. A question was, therefore, raised whether the State Government were competent to condone breaks within State Service of member prior to his appointment to the Indian Administrative/Police Service. The continuity referred to in sub-rule (2) is referred not continuity within State Service but continuity between State Service and the Indian Administrative/Police Service. Breaks within State Service, to which the rules do not apply, can, therefore, be condoned, provided State Pension Rules permit condonation of

such breaks.

[G.I., MHA letter No. 2/5/60-AIS (III), dated the 14th May, 1960.]

9. INA Service recognised by the Ministry of Defence shall be counted as qualifying service for pension and gratuity: - The I.N.A. Service, which has been recognised by the Ministry of Defence for the purpose of pension and gratuity shall be treated as Military Service/War Service and shall count as qualifying service to the extent and subject to the conditions stipulated in sub-rule (4).

[G.I., MHA letter No. 29/1/60-AIS (II), dated the 13th October, 1960.]

10. Service of a Civilian Officer paid from the Defence Estimates and declared as war service will be regulated under sub-rule (4) for qualifying service: - A doubt was raised whether only the enlisted or commissioned war service rendered in military capacity could be regulated under sub-rule (4).

2. Sub-rule (4) does not make any distinction between the war service in military capacity and civil capacity. In view of this, the Government of India have decided that even the service of a civilian officer paid from Defence Estimates, which has been declared as 'war service' in certain circumstances should be regulated under sub-rule (4).

[G.I., MHA letter No. 29/63/60-AIS (II), dated the 24th December, 1960.]

11. Previous service rendered by the moS before appointment to AIS shall be treated according to Central or State Rules, as the case may be, for determination of qualifying service: - Under sub-rule (2), the service rendered by an officer under the Central or a State Government shall count as qualifying service for the purposes of pension etc. to the extent admissible under the rules applicable to him prior to his appointment to the Indian Administrative/Police Service as they stand on the date of his retirement from the Service. In other words, the service by him prior to his appointment in the Indian Administrative/Police Service shall be treated according to the Pension Rules of the Central or the State Government, as the case may be which were applicable to him prior to such appointment and as applicable to him prior to such appointment and as are in force at the time when he retires from service.

[G.I., MHA letter No. 29/68/61-AIS (II), dated the 7th April, 1962.]

12. Sub-rule (2) is also applicable in case of an officer holds a post on temporary capacity or on probation, before joining to the AIS: - The Government of India have held that the proviso to sub-rule (2) of rule 8 applies also to a case where an AIS officer before his appointment to the Service, had held one or more posts in a temporary capacity including service as a probationer (without being confirmed in any of them) followed by his appointment to the IAS/IPS and eventual confirmation in it. This is subject to the other conditions laid down in the said proviso.

[G.I., MHA letter No. F. 29/29/63-AIS(II), dated the 14th February, 1964.]

13. Services in the Civil Defence Department during World War-II would be treated as 'war service' for the purpose of qualifying service: - The Government of India have held that 'War Service' candidates are persons who had rendered during the World War II satisfactory paid whole time enlisted or Commissioned "War Service" between the 3rd September, 1939 and the 1st April, 1946 by itself or in conjunction with other military service in the Armed Forces of India or similar forces of a Commonwealth country which did not earn a service pension under the military, Naval or Air Force Rules. Service in the Civil Defence Department during World War II has also been treated as "War Service" vide Ministry of Finance OM No. F.3(8)-EVA/62, dated the 18th May, 1962.

[G.I. MHA letter No. 29/51/63-AIS(II), dated the 16th August, 1963.]

14. Previous service rendered by the moS before appointment to AIS shall be treated according to Central or State Rules, as the case may be, for determination of qualifying service: - The Government of India held that under the sub-rule (2) of rule 8, the service rendered by an officer under the Central or State Government shall count as qualifying service for purposes of pension etc., to the extent admissible under the rules applicable to him prior to his appointment to the Indian Administrative Service/Indian Police Service. In other words, the services rendered by him prior to his appointment to the IAS/IPS shall be treated according to the Pension Rules of the Central or the State Government concerned, as the case may be, which were applicable to him prior to such appointment and as are in force at the time when he retires from service.

[G.I., MHA letter No. 29/66/61-AIS-(II) dated the 7th April, 1962.]

15. The Government of India have decided that the orders contained in the Ministry of Finance O.M. No. F. 3(29)-EV(A)/64, dated the 3rd June, 1965 (Annexure A) will apply to the All India Services officers governed by the AIS (DCRB) Rules, 1958 by virtue of rule 8(4).

[G.I., MHA letter No. 29/51/65-AIS(II), dated the 22nd December, 1965.]

16. It has been decided that the temporary or officiating service including service as a probationer mentioned in the Government of India Decision No. 12 below Rule 8 refers not only to service under the State Government but also to service under the Central Government.

[MHA letter No. 31/42/73-AIS(II), dated the 11th January, 1974.]

17. Procedure for verifying the service rendered by a moS on completion of 20 years of service: - In partial modification of the instructions contained in Department of Personnel & AR letters No. 25011/48/78-AIS(II), dated the 6th November, 1978 and 26th April, 1979 it has been decided to lay down the procedure for verifying the service rendered by a member of an All India Service on completion of 20 years of service:-

- (i) States where accounts have not been separated from Audit or the simplified procedure of payment of salaries to Gazetted Officers, as in the Central Government has not been introduced. - It will be the responsibility of Accountant General to verify the service rendered by a member of an All India Service on completion of 20 years of service and communicate the result of verification to the officer concerned.
- (ii) In States where Accounts have been transferred from Audit or where accounts have not been transferred, but the simplified procedure of payment of salaries to Gazetted officers, as in the Central Government have been introduced. - It will be the responsibilities of the State Government/Union Territory Administration to verify the service rendered by a member of the service on completion of 20 years of service, in consultation with the Accountant General concerned, if found necessary, and communicate the result of verification to the officer concerned.

[DP & AR letter No. 25011/48/78-AIS(II), dated the 18th September, 1979.]

18. State Governments are competent to determine the past service rendered by the moS under them before joining AIS: - According to the provisions contained in sub-rule (2) to (6) of Rule 8 of the All India Services (DCRB) Rules, 1958, service rendered by a member of an All India Service before his appointment to the service under the Central

Government or a State Government will count as qualifying service for pension subject to the fulfilment of the conditions laid down therein. Requests have been received from a few members of the Indian Administration Service for counting the service rendered by them under the Central Government and/or a State Government before their appointment to the IAS as qualifying service for pension. Under rule 8 *ibid* Approval of the Central Government is not necessary for counting the previous service rendered by a member of the service as qualifying service for pension, provided the conditions laid down therein are satisfied. In such cases the Government of the State on whose cadre the officer is borne/the Accountant General concerned, will have to take necessary action in consultation with the Central Ministry/Department or the State Government concerned, if the officer had worked under the Central Government or another State Government, as the case may be, before joining the All India Services, to count such service as qualifying service for pension under rule 8 *ibid*. The State Governments were, requested that in future requests made by members of All India Services for counting the previous service rendered by them as qualifying service under rule 8 *ibid* need not be forwarded to the Central Government; the State Governments themselves may process such cases in consultation with the authorities concerned and issue necessary orders. If any clarification is required or Condonation of break in service is involved a reference may be to the Department of Personnel & AR in the case of members of the Indian Administrative Service, the Police Division of the Ministry of Home Affairs in the case of members of the Indian Police Service and the Department of Agriculture in the case of members of the Indian Forest Service.

[DP & AR letter No. 25011/43/80-AIS(II), dated the 9th January, 1981.]

19. in all cases where a moS is deputed for foreign service under a public sector undertaking etc. owned or controlled by the Central Government, the pension/leave salary contributions should be paid to the State Government on whose cadre the officer is borne: - It has been provided in the Department of Personnel & AR letter No. 13/27/74-AIS(II), dated 17th January, 1975 (copy annexed) that the terms of deputation of a member of an All India Service who is deputation of a member of an All India Service who is serving in connection with the affairs of a State and who is deputed to public sector undertakings etc. Controlled by the Central Government should be issued by the Ministry/Department of the Central Government which is administratively concerned with that organisation in consultation with the State Government or Joint Cadre Authority on whose cadre the officer is borne. A doubt was raised whether in such cases the pension/leave salary contributions in respect of the officer should be paid by the organisation to the Central Government or to the State Government on whose cadre the officer is borne. It has been clarified that in all cases where a member of an All India Service is deputed for foreign service under a public sector undertaking etc. owned or controlled by the Central Government, the pension/leave salary contributions should be paid to the State Government on whose cadre the officer is borne.

[D.P. & A.R. letter No. 250011/8/81-AIS (II), dated the 22nd May, 1981.]

[ANNEXURE TO DP & AR LETTER NO. 25011/8/81-AIS (II), DATED THE 22ND MAY, 1981.]

1. I am directed to say that a question has been raised as to who should be the competent authority to issue the terms and conditions of deputation of a member of an All India Services serving in connection with the affairs of a State and who is deputed to a public sector undertaking or any organisation controlled by the Central Government.

2. The terms of deputation of an officer, deputed on foreign Service, are normally issued by the lending authority, in consultation with the borrowing authority. In the case of the All India Services, however, the All India Services (Leave) Rules, 1955, the All India Services (Conduct) Rules, 1968 and the All India Services (Discipline and Appeal) Rules, 1969 provided that a member of an All India Services whose services are placed at the disposal of a company, corporation etc. by the Central Government or the Government of a State shall, for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be. By virtue of the provision contained in these rules, if the terms of deputation of a member of an All India Service, deputed to a public sector undertaking controlled by the Central Government, are issued by a State Government, 'Government' in his case will be the State Government concerned. It is however, only proper that such a member of the Service should be under the control of the Central Government for the purposes of these Rules. In view of this, the terms of deputation of a member of an All India Service who is serving in connection with the affairs of a State and who is deputed to a public sector undertaking etc. controlled by the Central Government should be issued by the Ministry/Department of the Central Government which is administratively concerned with that organisation in consultation with the State Government or Joint Cadre Authority on whose cadre the officer is borne.

[letter No. 13/27/74-AIS (II), dated the 17th January, 1975.]

20. Ministry of Railways may be referred in case of previous service rendered by the moS under them and will be counted for qualifying service if that Ministry certifies, in case of doubts, it should be referred to the respective Cadre Controlling authorities of the Central Government. - Requests from members of Indian Administrative Service for counting the service rendered by them under the Ministry of Railways before their appointment to the Indian Administrative Service as qualifying service for pension were hitherto being processed in this Department. Recently when such a case was referred to the Ministry of Railways (Railway Board) for verifying the service rendered by the officer in the Railways, that Ministry advised that particulars of service rendered by a Railway Service Probationer, who is subsequently appointed to an All India Service, might be got verified from the Railway concerned direct by the State Government. Such Service with the Railways could be counted as qualifying service for Pension without consulting the Ministry of Railways (Railway Board). In view of this, it is requested that in future, there requests made by All India Service officers for counting the service rendered by them in the Railways before their appointment to the All India Services as qualifying service for pension need not be referred to the Central Government. In such cases, the State Government may request the Railway concerned to verify the service rendered by the officer in the Railways and if the Railway certifies that the service rendered by the officer under it would have counted as qualifying service for pension under the Railway Service Rules applicable to him prior to his appointment to the All India Services, such service may be reckoned as qualifying service for pension under rule 8(2) *ibid* provided there is no break in his service. In case there is a break in his Railway service or if there is any doubt whether or not a particular spell of service will qualify for pension, then a reference may be made to this Department in the case of members of the Indian Administrative Service, Police Division of the Ministry of Home Affairs in the case of members of the Indian Police Service and Department of Agriculture in the case of members of the Indian Forest Service.

[DP & AR Letter No. 25011/37/77-AIS(II), dated the 7th October, 1978.]

21. Period of deputation to Foreign Service to developing countries, International Organisations etc. would be regulated by the instructions issued by the Ministry of Finance, Ministry of External Affairs and Ministry of Personnel: - The question of regulating the period of foreign service of members of All India Services, who are permitted to go on foreign service to the developing countries of Asia, Africa, and Latin America, for the purpose of pension, has been under the consideration of this Development. It has been decided that members of All India Services who are permitted to go on deputation to these countries by registering their names in the Foreign Assignment Section of the Department of Personnel and A.R. will be governed by the orders contained in the Ministry of Finance OM No.1(14)-E.III(B)/71, dated the 13th December, 1971, the 7th January, 1974 and No. 1(14)-E.III(B)/76, dated the 7th December 1976. The period of foreign service rendered by members of the Service who are deputed for assignment to developing countries under the Indian Technical and Economic Cooperation Programme of the Ministry of External Affairs will be regulated for the purpose of pension, in accordance with the orders issued by the Ministry of External Affairs.

2. Member of All India Services, who are deputed for service under the International Organisations like the U.N. Secretariat or other United Nations Bodies, such as I.M.F., I.B.R.D., etc., or the Commonwealth Secretariat, will be governed by the orders contained in the Department of Personnel & A.R. letter No. 25011/52/76-AIS(II), dated the 2nd March, 1977 and No. 25011/14/75-AIS(II) dated the 26th September, 1975.

[DP & AR letter No. 25011/15/78-AIS(II), dated the 20th May, 1978.]

22. Regulation of foreign service with International Organisations, UN Sectt., Commonwealth Sectt. Etc.: - The period of foreign service of members of All India Services with International Organisations like the U.N. Secretariat, Commonwealth Secretariat etc. for period of five years or more, shall be regulated as follows:-

(1) Members of the All India Services sent on deputation to the International Organisations like United Nations Secretariat, or other United Nations bodies the International Monetary Fund, International Bank for Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat on a tenure of five years or more may at their option:-

- a) pay the pension contributions in respect of their foreign service and count such service as qualifying for pension under these rules;
- 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 member of the service opts for clause (b), the retirement benefits accrued to him under the United National Rules will be payable in rupees in India and pension contribution, if any paid by him shall be refunded to him.

(2) In the case of officer who opted for clause (b) of Rule 1 and who rejoin Government on the expiry of the foreign service with the United Nations Organisations the retirement benefits sanctioned by the United Nations will not be payable concurrently with the salary from the Government but will be credited to the revenues of the Government of the State concerned, under intimation to the concerned Accounts Officer, so that suitable record could be kept in the service record of the officer, of the amounts received from the

United National authorities. This amount will be paid to the officer concerned along with other service of the Government. For the purpose a provision should be made for such payments under the relevant head of account, for the respective year:

[DP & AR letter No. 25011/4/75-AIS(II), dated the 26th September, 1975.]

23. Instruction of the Ministry of Finance in O.M. No. 8(5)-E III/79, dated the 8th April, 1981 will also apply to members of the Services sent on deputation to U.N. Bodies and the Commonwealth Secretariat: - In continuation of the Department of Personnel and A.R. letter No. 25011/4/75-AIS(II), dated the 26th September, 1975 reproduced as Government of India Decision No. 22 below Rule 8 of the All India Services (Death-cum-Retirement Benefits Rules, 1958). It has been decided, in consultation with the Ministry of Finance (Deptt. of Expenditure), that the decision contained in their O.M. No. 8(5)-E III/79, dated the 8th April, 1981 (reproduced below) will also apply to members of All India Services sent on deputation to U.N. Bodies and the Commonwealth Secretariat.

[DP & AR letter no. 25011/16/81-AIS (II), dated the 5th November, 1981.]

[ANNEXURE TO DP & AR LETTER NO. 25011/16/81-AIS (II), DATED THE 5TH NOVEMBER, 1981.]

1. The undersigned is directed to invite a reference to this Ministry's O.M. No. F.1(16)-E. III(B)/66, dated the 5th November, 1966 on the subject mentioned above and to state that the question of allowing interest on the amount of retirement benefits received in lump sum and deposited with the Government of India by the officers deputed on foreign service with U.N. Organisations has been under consideration for some time on receipt of a number of representations in this regard. The President is now pleased to decide that interest may be paid, as for deposits under G.P.S. Accounts, in respect of such amounts including the amounts, which were deposited by the Government servants who has served the U.N. Bodies in the past and which are at present lying with the Government even in respect of the past periods commencing from the date the deposits have been made.

2. In so far as the persons serving in the India Audit and Accounts Department are concerned, these orders are issued after consultation with the comptroller and Auditor General of India.

[O.M. No. 8(5)-E.III/79, dated the 8th April, 1981.]

24. The instruction of the Ministry of Finance for regulation of the period of less than 5 years spent in foreign service for the purpose of pension will be applicable to the members of the Services: - The manner in which the period of foreign service of members of All India Services with International organisations like U.N. Secretariat, etc. Or Commonwealth Secretariat, for a period of less than five years, should be regulated for the purpose of pension, has been under the consideration of the Central Government. It has been decided that the orders contained in the Ministry of Finance OM No.1(4)-E. III(B)/76, dated the 20th November, 1976 should apply to the members of All India Services also.

[DP & AR letter No. 25011/52/76-AIS(II), dated the 2nd March, 1977.]

Copy of Ministry of Finance O.M. No. 1(4)-E.III(B)/76, dated the 20th November, 1976.

1. The undersigned is directed to invite a reference to this Ministry's Office Memorandum No. F. 1(16)-E.III(B)/66 (Part II) dated the 4th June, 1971 on the subject mentioned above. Under this Office Memorandum, officers of the Central Services

deputed to foreign service with International Organisations like the United Nations, Secretariat, Food and Agriculture Organisation, International Labour Organisation, etc., on a tenure of one year or more shall be allowed to join the United Nations Joint Staff Pension Fund as full members and the payment of retirement benefits accruing under the Regulations and Rules of the United Nations Joint Staff pension Fund will continue to be regulated by the conditions laid down in this Ministry's Office Memorandum No. F. 1(16)-E. III(B)/66 dated the 5th November, 1966 (copy enclosed).

2. Under Article 29 of the Regulations and Rules of the United Nations Joint Staff Pension Fund, retirement benefits shall be payable to a participant whose age on separation is 60 years or more and whose contributory service was five years or longer. Under Article 30 of the said Regulations and Rules, an earlier retirement benefits shall also be payable to a participant whose age on separation is at least 55 but less than 60 years and whose contributory service was five years or longer. Under Article 31 *ibid* a deferred retirement benefits shall be payable to a participant whose age on separation is less than 60 years and whose contributory service was five years or longer. It will be observed from the aforesaid provisions that a contributory service of five years or longer is a sine qua non for eligibility for retirement benefits under the aforesaid Regulations and Rules. Accordingly, Rule 31 of the Central Civil Service (Pension) Rules, 1972 as amended by the C.C.S. (Pension) (Sixth Amendment) Rules, 1975 provides that a Government servant deputed on foreign service for a period of five year or more to the United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development or the Commonwealth Secretariat may, at his option pay the pension contribution in respect of his foreign service and count such service as qualifying for pension under the CCS (Pension) Rules, 1972 or avail of the retirement benefits admissible under the rules of the aforesaid Organisations, and not count such services as qualifying for pension under the CCS(Pensions) Rules, 1972. If the Government Servant opts to avail of the retirement benefits under the rules of the aforesaid Organisations, the retirement benefits shall be payable to him in India in rupees in accordance with the provisions of this Ministry's Office Memorandum No. F. 1(16)-E. III(B)/66 dated the 5th November, 1966.

3. The question of regulating the cases of Government servants deputed on foreign service to the Organisations mentioned in the preceding paragraph for one year or more but less than five years has been considered in this Ministry in the light of the provisions of Article 32 of the Regulations and Rules of the United Nations Joint Staff Pension Fund under which a withdrawal settlement would be admissible to a participant whose age on separation in less than 60 years or if he is 60 or more on separation but is not entitled to a retirement benefits under Article 29, 30 and 31 referred to in para 2 above. This withdrawal settlement consists of his own contributions if the contributory service of the participants was less than five years. The President is pleased to decide, in partial modification of this Ministry's Office Memorandum No. F. 1(16)-E. III(B)/66 (Part II) dated the 14th June, 1971 that a Government servant who is deputed on a foreign service for a period of one year or more but less than five years to the United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank for Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat and who will not be entitled to retirement benefits under the Regulations and Rules of the aforesaid Organisations, will pay pension contributions monthly to the Government of India at the rates prescribed from time to time by the President under F.R. 116. On conclusion of foreign service, he may be allowed to receive from the foreign employer withdrawal benefits as may be admissible under their Rules.

4. While what has been stated in para 3 above would apply to officers who are entitled to only "withdrawal" benefits (as opposed to full retirement benefits) those who would be entitled to full retirement benefits under the Rules and Regulations of these organisations would be governed by Rule 31 of the CCS(Pension) Rules, 1972. In case they opt for availing of the retirement benefits admissible under the Rules and Regulations of the International Organisations (in which case their service in that organisation will not qualify for pension under Government) the payment of the retirement benefits in case they return to Government service will be governed by the orders of 5.11.1986. Pension contributions, if any, made to Government of India by officer, will be refunded to him.

5. These orders will also apply to officers who are already on deputation to the aforesaid Organisations. They will, however, have the option of paying pension contributions to Government to count the period of foreign service for the purposes of pension or to continue on their existing terms under which they are not required to pay pension contributions. The officers would be required to exercise options within three months from the date of issue of these orders and those who opt to pay pensions contribution for the past period can be allowed to pay pension contribution for the said period in monthly instalments not exceeding 12 along with contribution for the current period.

6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued after consultation with the Comptroller and Auditor General of India.

Copy of Office Memorandum No.F.1(16)-E.III(B)/66, dated the 5th November, 1966, Ministry of Finance, Department of Expenditure regarding Deputation of Central Government Servants on foreign service with United Nations Bodies - Participation in the U.N. Pension Fund Scheme.

1. According to the Ministry of Home Affairs' Office Memorandum No. 2/52/53-AIS(I), dated the 24th August, 1953, read with this Ministry's Office Memorandum No. 1(47)-E.IV(A)/60, dated the 18th October 1960, officers of All India Services and Central Services deputed on foreign service to International Organisations like the United Nations Secretariat/Food and Agriculture Organisation/International Labour Organisation, etc., are eligible to join the United Nations Joint Staff Pension Fund only as Associate Participants where the period of foreign service is one year or more but less than five years. They are not allowed to become full members, when the period of foreign service exceeds five years. The question of permitting such officers to become full members has been under the consideration of Government. The President is now pleased to decide as follows:-

2. Officers of Central Services deputed on foreign service to United Nations Secretariat and other United Nations Bodies shall be allowed to join the United Nations Joint Staff Pension Fund as full members. During the period of foreign service, no payment of pension contributions will be made to the Government of India by or on behalf of the officer. This period will not count for purposes for calculation of pension under the Government. The officers will be eligible for the benefits due to him from the Organisation concerned under their rules for the period in question. In case the officer does not rejoin Government but retires from Government service while serving with the United Nations Organisation, his pension under the Government rules will be calculated on the basis of service rendered by him in case he rejoins and serves for another spell under Government, the pension admissible under Government rules will be calculated on the basis of the total of his earlier and later periods of service under Government.

3. The retirement benefits accruing under the United Nations rules will be payable to the officers in Rupees in India. In the case of officers who rejoin Government on the expiry of the foreign service with United Nations Organisations the retirement benefits sanctioned by the United Nations will not be payable concurrently with the salary from the Government but will be credited to the revenues of the Government of India by credit to XLVII - Contributions and recoveries towards the Accounts Officer, pension and other retirement benefits" under intimation to the Accounts Officers in case of Gazetted Officers and to the Heads of the Department in the case of Non-gazetted officers, so that a note could be kept in the service records of the officers concerned of the amount received from the United Nations authorities. This amount will be paid to the officer concerned along with his other pensionary benefits when he finally retires from the service of the Government of India, the provisions in the year concerned being made for the payment of this amount under '65 Pensions and Other Retirement Benefits, etc.'

4. Orders contained in this Ministry's Office Memorandum dated the 18th October, 1960 referred to in the opening para will continue to apply in respect of associate participants.

5. Separate orders will be issued in respect in All India Services Officers.

6. In so far as the persons serving in the Indian Audit and Account Department are concerned, these orders are issued after consultation with the Comptroller and Auditor General of India.

ANNEXURE `A`

1. The Government of India for some time past have had under consideration the question of counting the service rendered in the Indian National Army towards civil pension by persons now holding civilian posts. They fall into the following three categories:-

- (1) Persons who were holding civil posts before joining the Indian National Army and have been reinstated in the same post.
- (2) Persons who were holding civil posts or were members of the regular Indian Armed Force before joining the Indian National Army and have been re-employed in some other civil posts.
- (3) Persons who joined the Indian National Army from the general public or from the Armed Forces and have subsequently been absorbed in civil posts.

The President has been pleased to decide that the service rendered in the Indian National Army by the persons of the aforesaid categories may be treated as 'war-service' for the purpose of counting it towards civil pension in terms of article 357-C and 357-D of the Civil Service regulations and this Ministry's Office Memorandum No.F. 11(15)/EV/56 dated the 5th August, 1958 as amended from time to time.

2. The service in the Indian National Army referred to in the preceding para will be admitted on the basis of a certificate issued by the administrative authorities to the effect that the claim is genuine and correct. The administrative authorities will give such certificates after verification of documents or collateral evidence etc., produced by the persons concerned. In the case of persons belonging to category (iii) the production of adequate proof like documents relating to their enrolment in the Indian National Army should be insisted upon along with the collateral evidence for their having been in that Army.

3. In so far as the Persons serving in the Indian Audit and Accounts Departments are concerned, these orders have been issued after consultation with the Comptroller and Auditor General of India.

27. Verification of 'war service' of AIS officers would be done by the State Governments from appropriate military authorities: - In accordance with the instructions contained in Ministry of Defence's letter No. 5324/Gen/Org.3(Records(d)/411D (Pension/Service), dated the 19th January, 1963, the verification of war/military services of All India Services officers has to be done by the State Governments from the appropriate military authorities. The result of the verification, along with the relevant particulars of the case, should then be forwarded to the Accountant General concerned for making necessary entries in the History of Service. Wherever, there is doubt whether or not a particular period of war/military service rendered by an All India Service Officer counts for pension a reference should be made to the Ministry of Home Affairs.

[G.I. MHA letter No. 29/36/36/65-AIS(II) dated 29.9.1966]

28. Guidelines regarding regulation of service of the moS from All India Service to autonomous bodies and vice versa: - I am directed to say that this Department have issued orders vide OM No.28/10/84-Pension Unit dated the 29th August, 1984 regarding counting of service rendered by a Central Government servant for pension when he moves from Central Government service to the service of a central autonomous body and vice versa. According to these orders, when a Central Government servant borne on a pensionable establishment is allowed to be absorbed in an autonomous body having a pension scheme, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body. Similarly, a person working under such an autonomous body joins government service, the service rendered by him under the autonomous will be counted as qualifying service for pension under the Government. The Government/autonomous body will discharge its pension liability by paying a lump sum amount, as a one time settlement, of pro-rata pension etc. to the Government or autonomous body as the case may be. An employee of autonomous body having CPF scheme on absorption under the Central Government will have an option either to receive CPF benefits which have accrued to him from the autonomous body – and start his service afresh under the Government or choose to count service rendered by him under that body as qualifying service for pension under the Government by foregoing employer's contribution with interest thereon, which will be payable to the Central Government Department concerned by the autonomous body.

2. This Department have considered the question of extending the above orders to members of All India Services. The case of a member of an all India Service permitted to get absorbed permanently in the service of a central autonomous body can be regulated under the provisions contained in rule 5 A of All India Services(DCRB) Rules, 1958. If an employee of an autonomous body who joins service under the Central Government or a State Government and later on is appointed t an All India Service, his case can be regulated under the provisions contained in rule 8(2) *ibid*. Thus the case of an employee of an autonomous body who joins an All India Service direct is not covered under the rules and instructions issued by the Central Government. It has, therefore, been decided that the case of an officer who was working under a central autonomous body, as defined in para 4 of this Department's OM dated 29.8.84 referred to above, before his appointment to an All India Service should be regulated as follows:-

- (a) The service rendered by an All India Service Officer, under a central autonomous body having a pension scheme, before his appointment to the Service, will be counted as qualifying for pension under the AIS(DCRB) Rules, 1958. The autonomous body will discharge its pension liability by paying a lump sum amount, as a one-time payment, equal to the pro-rata pension/service gratuity/terminal gratuity and the DCRG for the service rendered by him under them to the State Government on whose cadre the officer is borne.

- (b) An All India Service officer who has rendered service under a central autonomous body not having a pension scheme, before his appointment to the service, can exercise option either to receive contributory provident fund benefits which have accrued to him from the autonomous body and start his service afresh under Government or choose to count service rendered in that body as qualifying service for pension under Government by foregoing employer's share of CPF contributions with interest thereon, which will be paid to the State Government concerned. The option shall be exercised within one year from the date of appointment to the All India Service. If no option is received within the stipulated period, the officer shall be deemed to have opted to receive CPF benefits. The option once exercised or deemed to have exercised shall be final.

3. An officer who was appointed to an All India Service prior to the date of issue of these orders but not yet retired from service, shall also be governed by these orders. Such an officer will have an option either:-

- a) To retain the pro-rata retirement and other benefits received by him from the autonomous body. In that event the service rendered by him under the autonomous body will not count as qualifying service for pension

Or

- b) To have the service rendered by him under the autonomous body counted as qualifying service for pension in which case the pro-rata retirement or other terminal benefits received by him, will have to be deposited with the State Government concerned along with interest thereon from the date of receipt of those benefits by him till the date of deposit with the State Government. The right to count previous service as qualifying service for pension shall not revive until the whole amount has been paid

4. The option shall be exercised within a period of one year from the date of issue of these orders. If no option is received within the prescribed time limit, the officer will be deemed to have opted for retention of the benefits received by him. The option once exercised or deemed to have exercised shall be final.

5. The benefits of these orders will be admissible only if

- (i) The officer had applied or has applied to the UPSC for taking the competitive examination on the basis of which he was appointed to the IAS/IPS/IFS through proper channel or after obtaining permission from the autonomous body under whom he was working, and
- (ii) The officer was eligible for pro-rata retirement benefits/CPF benefits from the autonomous body at the time of leaving the service of the autonomous body and the autonomous body (or the officer, in a case coming under para 3 above) is prepared to pay to the State Government concerned such pro-rata retirement benefits/CPF benefits.

6. It is requested that the above order may be brought to the notice of all concerned for information and guidance.

[D/P&T letter No. 25011/27/85-AIS(II) dated the 19th May, 1986]

Copy of D/P&T letter No.25011/3/93-AIS(II) dated the 4th February, 1993

1. I am directed to say that instructions had been issued vide letter No.25011/27/85-AIS(II) dated the 19th May, 1986 laying down guidelines for counting the previous service rendered by an All India Service Officer under a central autonomous body having a pension

scheme prior to his appointment to the service as qualifying service for pension purposes under the AIS(DCRB) Rules.

2. According to the instructions mentioned above an officer who had been appointed to an All India Service prior to issue of those orders and who was still in service was required to exercise an option either (a) to retain the pro-rata retirement benefits received by him from the autonomous body, in which event the service rendered by him under the autonomous body would not count as qualifying service for pension in Government service or (b) to have the service rendered by him under the autonomous body counted as qualifying service for Government pension, in which case, the pro-rata retirement benefits or other terminal benefits received by him would have to be deposited with the State Government, along with interest thereon.

3. All AIS Officers were required to exercise their option within a period of one year from the date of issue of the above mentioned orders. However, a number of references have been received from officers seeking permission to exercise the option belatedly, on the ground that they were unaware of the contents of our earlier OM dated 19.5.86.

4. In this background, it has been decided to give all AIS Officers another chance to exercise their option in this regard. Such an option shall be exercised latest by 30th September, 1993. If no option is received within the prescribed time limit, the officer concerned will be deemed to have opted for retention of the benefits received by him from the autonomous bodies at the time of his termination of service with them.

5. It is requested that the contents of this circular may be brought to the notice of all All India Service Officers of your State, as are eligible, with the request that if they so desire, may exercise the required option well in time. The options received may please be forwarded to this Department within the prescribed time limit.

29. one time relaxation, to provide a last opportunity to ex-service pensioners who are at present re-employed in All India Services to exercise the option for counting of their past military service as qualifying service: - I am directed to refer to this Department's letter No.25011/14/80-AIS(II) dated the 17th December, 1980 and 28th August, 1982 and to say that sub-rule(4) of Rule 8 of AIS(DCRB) Rules, 1958 provides that war/military service rendered by a member of the service before his appointment to the AIS shall count as qualifying service to the extent to which such service is counted as qualifying service for pension under the Civil Services Regulation as applicable to the members of the Central Civil Services Class-I (now Group "A") or under any orders that might be issued by the Central Government in this behalf. In the aforesaid letter it was provided that members of AIS who had rendered pensionable war/military service before joining the AIS but have not so far opted for such service to be counted for Civil pension, could exercise fresh option within a period of 6 months from the date of issue of the Order.

2. It has been represented to this Department by Association of Released ECO/SSC Officers and individuals that in some cases it has not been possible for Ministries/Departments and field officers to disseminate the information about the facility for exercise of option in terms of the above mentioned orders to the affected officers who were posted in the different parts of the country. As a result, many of these officers could not avail of the opportunity to exercise their option within the stipulated period. Keeping in view these representations, it has been decided as a one time relaxation, to provide a last opportunity to such ex-service pensioners who are at present re-employed in All India Services to exercise the option for counting of their past military service as qualifying service within a period of six months from the date of issue of these orders. They may also be informed that no further extension of time will be allowed to exercise option.

3. The option exercised by the members of the Service may be processed by the State Governments as laid down in the Government of India instructions below rule 8 *ibid*.

[D/P&T letter No.25011/11/98-AIS(II) dated the 30th July, 1998.]

GOVERNMENT OF INDIA DECISION UNDER RULE 15

1. ***Invalid pension is not automatic on the expiry of 6 month of the issue of the certificate of Medical Board, but should be followed by an order of the Government:*** - It has been held that retirement of a member of an All India Service on invalid pension is not automatic on the expiry of six months from the date on which the Medical Board signed the certificate declaring him to be permanently incapacitated for further service; Government will have to issue an order retiring such an officer from service on invalid pension and the order cannot have retrospective application.

(Law Ministry's advice in MHA File No.13/11/75-Pers.II)

GOVERNMENT OF INDIA'S DECISION UNDER RULE 16

1. ***State Governments are free to initiate action and suggest the compulsory retirement in public interest of AIS officer who have put in 30 years of qualifying service or have attained the age of 50 years after giving them three months notice in writing:*** - A question was raised whether under rule 16(3) the State Governments have no power to initiate action for retirement of an AIS officer who has completed 30 years of qualifying service or has attained the age of 50 years. The Government of India have held that the State Governments are free to initiate action and suggest the compulsory retirement in public interest of AIS officer who have put in 30 years of qualifying service or have attained the age of 50 years after giving them three months notice in writing. The recommendations of the State Governments in these matters would be given due consideration.

2. According to rule 16(3), the orders in each case would need to be issued by the Central Government but the formal Notification giving effect to the above orders would be issued by the State Government.

(G.I., MHA letter No.9/10/64-AIS(II), dated the 16th March, 1966).

2. ***It has been decided that a notice under sub-rule (2) of Rule 16, addressed to the Central Government can be treated as valid as defect in the notice is only formal, and in the absence of a prescribed form, endorsing a copy of the notice amounts to addressing the notice.***

[File No. 28/8/72-AIS(II).]

3. ***Government can serve notice of retirement of a member of an All India Service even before he attains the age of 50 years or has completed 30 years of qualifying service:*** - It has been decided that Government can serve notice of retirement of a member of an All India Service even before he attains the age of 50 years or has completed 30 years of qualifying service subject to the condition that the actual retirement takes place after he has attained age of 50 or has completed 30 years of qualifying service.

[File No. 2/8/72-AIS(II).]

4. It has been held that there is no bar to issue orders under rule 16(1) granting extension of service to a member of the Service with retrospective effect.

[DP & AR File No. 19/2/74-AIS(II).]

5. A moS, who has given notice for voluntary retirement under the aforesaid rule will retire from service on the expiry of the period of the prescribed three months even if he is placed under suspension after he gave notice:- Under sub-rule (2) of rule 16, *ibid*, retirement of a member of the service becomes effective on the expiry of three months' notice given by him, unless he is under suspension. Once the notice period begins to run, it may not be open to the Government a unilateral act of suspension to prevent the running of the three month's period. In other words, a member of the Service, who has given notice for voluntary retirement under the aforesaid rule will retire from service on the expiry of the period of the prescribed three months even if he is placed under suspension after he gave notice. However, as provided in the explanation below rule 6(1) *ibid*, a departmental proceedings in terms of the aforesaid rule shall also be deemed to have been instituted against the pensioner on the date he was placed under suspension. In view of this if a member of the service is placed under suspension after he gives notice for retiring from service voluntarily, the benefit of the limitation contained in clause (b) (ii) of the proviso to rule 6(1) *ibid* will not be available to him, and departmental proceeding under this rule for reduction of his pensionary benefits can be initiated against him, even after the date of his retirement, for a misconduct committed by him while in service, although such proceeding may be in respect of an event which took place more than four years before the institution of such proceedings.

[DP & AR letter No. 25011/47/78-AIS(II) dated the 16th October, 1978].

6. Procedure for processing proposals for the grant of extension of service/re-employment to members of All India Services beyond the age of superannuation:- It has been decided to lay down the following procedure for processing proposals for the grant of extension of service/re-employment to members of All India Services beyond the age of superannuation:-

Extension of Service: The Ministry/Department of the Government of India which proposes to grant extension of Service to an All India Service officer beyond the age of superannuation, should obtain concurrence of the Government of the State on whose cadre the officer is borne (Joint Cadre Authority if the officer is borne on a Joint Cadre) and the Cadre Controlling Authority, namely, Department of Personnel and A.R. in the case of IAS Officer, Police Division of the Ministry of Home Affairs in the case of IPS officers and the Department of Agriculture in the case of IFS officers, before submitting the proposal to the Appointments Committee of the Cabinet. After obtaining approval of the A.C.C., the administrative Ministry/Department should request the State Government concerned, under intimation to the Cadre Controlling Authority to issue orders under proviso to rule 16(1) of All India Services (DCRB) Rules, 1958, extending the service of the member of the Service concerned, which the State Government alone are competent to issue.

Re-employment: The Ministry/Department of the Government of India, which proposes to re-employ a retired All India Service officer should consult the Government of the State on whose Cadre the officer is borne (Joint Cadre Authority if the officer is borne on a Joint Cadre). Therefore, the administrative Ministry should refer the proposal to the Cadre Controlling Authority for its concurrence before submitting the case to the A.C.C.

Subject to the above, the grant of extension in service/re-employment to All India Service officers beyond the age or superannuation will be governed by the criteria

and procedure laid down in the Department of Personnel & A.R.'s OM No. 26011/1/77-Est.B, dated the 18th May, 1978.]

[DP & AR O.M. No. 25011/42/72/AIS(II), dated the 29th August, 1978.]

7. Criteria and procedure laid by the Central Government should be strictly followed while granting re-employment/extension of service to All India Service officers under the Central Government:

- The criteria and procedure laid down in the Ministry of Home Affairs O.M. No. 26/11/68-Est. B, dated the 17th June, 1969 (since replaced by the DP & AR OM No. 26011/1/79-Estt. B., dated the 18th May, 1978) are strictly followed while granting re-employment/extension of service to All India Service officers under the Central Government. It is suggested that these instructions may be kept in mind by the State Government while deciding cases of re-employment/extension of service to All India Service officers under them.

[DP & AR letter No. 5/16/74-AIS(II), dated the 26th August, 1974.]

Copy of Department of personnel & A.R. O.M. No. 26011/1/77-Estt.B, dated the 18th May, 1977 regarding Grant of extension/re-employment of Central Government employees beyond the age of superannuation- Issue of consolidated instructions-

The instructions on the grant of extension of service/re-employment to Central Government employees beyond the age of superannuation have been issued by the Ministry of Home Affairs (the Department of Personnel and Administrative Reforms) from time to time over a period of years starting from 1945 onwards. The existing instructions, being spread over a number of memoranda, have been summarised and given below in a consolidated form.

The age of retirement of different categories of Central Government employees have been laid down in the Fundamental (Amendment) Rules, 1975 notified vide Notification No. 7(7)EV(A)/74, dated 7-2-75 of the Ministry of Finance (Department of Expenditure). On attaining the age indicated in the above rules, retirement is automatic and in the absence of specific orders to the contrary by the competent authority a Government servant must retire on the due date. The date superannuation of a Government servant is known in advance and ordinarily there should not be the question of failure to make arrangements for his release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the Government servants under their control so retire.

It would be appreciated that in each case of extension or re-employment, it is not only the next man who misses promotion but often several people miss consequential promotions all along the hierarchical strata. Thus, one person getting re-employment/extension means deferment of promotion for six or seven persons. Too many cases of extension in service or re-extension are to cause frustration and affect the moral of the staff in general. Keeping in view these circumstances the following criteria and that extensions/re-employment of superannuated officers are resorted to only in really exceptional circumstances.

The procedure indicated in the following paragraphs should also be followed by the Ministries/Departments in regard to posts in statutory/autonomous bodies and Public sector Undertakings the initial appointments to which are required to be made by or with the approval of the President/Central Government. Ministries/Department of the Government of India should bring to the notice of the autonomous bodies the instructions mentioned herein and request them to consider whether similar principles should not be adopted by them for other appointments.

2.CRITERIA FOR EXTENSION/RE- EMPLOYMENT

(1) No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered.

(2) Extension of service/re-employment can be justified only in very rare and exceptional circumstances. Even in such cases, 60 years of age should be the deadline for non-scientific/non-technical posts and 62 years in the case of scientific/technical personnel. This should not be construed to mean that extensions of service/re-employment can be granted to non-scientific/non- technical personnel upto the age of 60 years and to scientific/technical personnel upto the age of 62 years more or less as a matter of course. The over-riding consideration for the grant of extension of service/re-employment is that it must be clearly in the public interest and in addition satisfy one of the following two conditions:

- (i) that other officers are not ripe enough to take over the job; or
- (ii) that the retiring officer is of outstanding merit.

Test (i) would be satisfied only if there is shortage in a particular specialisation, or if it is not possible to find a suitable successor or if the officer is engaged on a work or project of vital importance which is likely to produce results in a year or two. If officers in the next lower post are not eligible for promotion on the ground that they have not put in the minimum service in the lower grade prescribed under the rules, no promotions can be made to the higher grade, unless such officer put in the requisite length of service. But officers who are eligible for promotion to the post against which extension/re-employment is recommended, should not be rejected solely on the ground that they do not have as much experience as the retiring officer. They should be considered for promotion according to the recruitment rules and if they are found suitable they should be promoted to the posts being vacated by the retiring officer.

Test (ii) would not be satisfied by the mere fact that the specialist (e.g. a scientific or technical officer) is fit in all respects or is otherwise able to discharge effectively of the post held by him.

(3) No extension of service/re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance, but the selection could not be finalised in time for justifiable reasons.

(4) A proposal for the grant of extension of service/re-employment based merely on the consideration that the officer's predecessor had been given extension/re-employment should obviously not be accepted.

(5) Honorary appointment in Public Sector Undertakings in the case of honorary appointments, e.g. appointments on the Board of Directors of Public Sector Undertaking, the limit may be 65 years provided the appointment is really honorary and does not carry any substantial remuneration.

(6) Appointments of retired officers even in honorary posts of Chairman and Members of the Board of Management including the Managing Director and the Financial Adviser (if the Financial Adviser is a member of the Board of Management) of any State/Government owned corporation, company or Enterprise or of various Public Sector Undertaking should not, as a general rule, be proposed for the approval of the Appointments Committee of the Cabinet. However, where the Administrative Ministry/Department considers that there are exceptional circumstances which would justify the appointment of a retired officer, a detailed justification should be given for the consideration of the Appointments Committee.

(3) Criteria for higher officers:- While making proposals for extension of

service/re-employment in higher posts, it is all the more necessary to apply higher standards of efficiency to persons whose appointments to the higher posts are recommended for approval of Appointments Committee of the Cabinet. The number of top posts is bound to be very limited and a few persons should not have them for too long.

VI. CENTRAL GOVERNMENT EMPLOYEES WHO TOOK PART IN NATIONAL MOVEMENT:

Persons who took part in the National Movement and were thereby prevented from the availing themselves the normal opportunities for entry into Government service has been granted age concessions in the matter of entering into government service (vide MHA's Office Memorandum No. 15/21/48-Estt., dated 29.11.48 and No. 6.1.51-MGS, dated 14.2.1951). They have also been allowed, subject to certain conditions, to add to their service qualifying for superannuation persons, (but not for any other class of pension), the actual period not exceeding $\frac{1}{4}$ of the length of their service of the actual period of 5 years whichever is least, However, as regards the question of grant of extension of service/re-employment beyond the age of superannuation, they will be governed by the same orders as are applicable to other Central Government employees.

VII. CURTAILMENT OF THE PERIOD OF EXTENSION/RE-EMPLOYMENT:

A situation might arise where the grant of extension of service/re-employment beyond the age of superannuation for a specified period might have to be cancelled or modified at a later date for administrative reasons. As the Government is committed to retaining the officer for a specified period, it cannot dispense with his service before the expiry of that period except on disciplinary grounds. It is, therefore, necessary that in every case the order granting an extension of service/re-re-employment should include a clause providing for termination of service after three month's/one month's notice at any time within the period of extension/re-employment.

VIII. PROMOTION:

No government servant who is on extension of service after the prescribed date of retirement should be promoted to another post during the period of extension of service.

IX. PAY:

The pay of superannuated Government servants re-employed in Central Civil Department will be regulated in accordance with the instructions contained in Ministry of Finance Office Memorandum No.8(34)-E.III/57 dated 25-11-1958 (as amended from time to time).

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Proforma for sending proposals for approval of Ministry of Home Affairs or for internal use in a Ministry/Department for grant of extension/re-employment to Government servants beyond the age of superannuation

1. Designation of the Post:
2. Duration of the Post:
3. Scale and terms of the post and perquisites attached, if any:
4. Whether financial sanction for the creation of the post/continuance of post for the duration shown at (2) has been obtained;
5. Method of recruitment:

6. Name and the terminal date of appointment of the outgoing incumbent of the post:
7. Name of the officer proposed for appointment and the service to which he belongs:
8. Full service particulars of the Officer with date of birth and pay drawn:
9. Names of other officers considered:
10. If promotion post, whether copies of proceedings of a D.P.C. are being enclosed? if not, why?
11. Whether character roll of the officers proposed and those considered are being sent? if not, why?
12. If the proposal involves extension/re-employment, please indicate:
 - (i) (a) Whether the post is scientific/technical or non-scientific/non-technical:
 - (b) Whether the officer is to be granted extension of service or re-employment:
 - (c) Period of extension/re-employment granted earlier to the officer, if any:
 - (d) Date from which extension/re-employment is to be granted:
 - (e) Period of extension or service/re-employment:
 - (ii) Justification for grant of extension/re-employment if the post is technical/scientific:
 - (iii) Justification for grant of extension/re-employment if the post is non-technical/non-scientific:
 - (iv) (a) The date from which it was known that vacancy would occur:
 - (b) Action taken to select a successor with chronological details:
 - (c) If selection is being made, reasons why this could not be finalised in good time:
 - (d) If proposal involves extension/re-employment; can some officiating or ad hoc arrangements be made, pending fresh appointment by proper selection? if not, why not?
 - (v) If the case is referable to A.C.C., whether the case has been discussed with Cabinet Secretary? if so, his reaction to the proposal:
 - (vi) Whether orders of the Minister-in-charge have been obtained?
13. Whether the prescribed Integrity certificate, from the appropriate authority, is enclosed.

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GOVERNMENT OF INDIA DECISION UNDER RULE 16(2A)

1. **Guidelines for acceptance of notice of voluntary retirement:** - It has been decided to lay down the following guidelines for the acceptance of the notice of retirement under sub-rule (2A) of Rule 16 of the All India Service (Death-cum-retirement Benefits) Rules, 1958 for the information and guidance of the State Governments:-

- (i) A notice of voluntary retirement given by a member of the service may be withdrawn by him, after it is accepted by the State Government, only with the approval of the State Government concerned provided the request for such withdrawal is made before the expiry of the period of notice.
- (ii) In cases where disciplinary proceedings are pending or contemplated against a member of the Service for the imposition of a major penalty and the disciplinary

authority having regard to the circumstances of the case, is of the view that the imposition of the major penalty of removal or dismissal for service would be warranted, the notice of voluntary retirement given by the officer concerned may not ordinarily be accepted.

- (iii) In cases where prosecution is contemplated or may have been launched in a court of law against a member of the service, the notice of voluntary retirement given by him may not ordinarily be accepted.
- (iv) The notice of voluntary retirement given a member of the Service, Who is on study leave or who has but not completed a minimum service of 3 years on completion of study leave, may not ordinarily be accepted.

[DP & AR letter No. 25011/2/80-AIS(II), dated the 16th October, 1980.]

2. EOL cannot run concurrently with the period of notice of voluntary retirement: - I am directed to refer to sub-rule (2) of Rule 16 of the AIS(DCRB) Rules which requires that a member of the service should give 3 month's previous notice in writing to retire from service on the date on which he/she completes 30 years of qualifying service or attains 50 years of age or any date thereafter to be specified in the notice. Sub-rule (2A) 3 month's notice in advance in order to retire from service on the date on which he completes 20 years of qualifying service or on any date thereafter to be specified in the notice.

2. A question has arisen whether a member of the service could be granted Extra Ordinary Leave on private affairs or on medical grounds during the period of the notice for voluntary retirement. The matter has been considered and it is clarified that Extra Ordinary Leave cannot run concurrently with the period of notice given by a member of the service for seeking voluntary retirement.

GOVERNMENT OF INDIA DECISION UNDER RULE 17

1. A moS cannot pledge his retirement benefits to L.I.C.: - It was brought to the notice of the Government that an officer of the All India Services had obtained a loan from the Life Insurance Corporation and in the mortgage deed executed by him, he agreed *inter alia*, that in the event of termination of his service by death, retirement or otherwise, the retirement benefits to be received will be paid towards discharging all amount under the said Mortgage Deed by way of principal, interest or otherwise, if so due at the relevant time. He also agreed that if possible, he would appoint the Corporation as his nominee to receive the provident fund, gratuity and other retirement benefits.

2. The Government of India have examined the question whether the A.I.S. officers can pledge their retirement benefits to the Life Insurance Corporation. Section 12 of the Pension Act., 1871 and Section 3 of the Provident Fund Act, 1925 do not permit an officer to pledge his pension or provident fund in this manner.

1.3 As regards nominating the Life Insurance Corporation to receive the retirement benefits like gratuity, provident fund, etc., the respective rules regarding nomination do not permit such a course when the officer has a family.

[G.I., MHA letter No. 29/53/64-AIS(II), dated the 22nd March, 1965.]

2. It has been decided that pension can be held in abeyance.

[Deptt. of Personnel & AR File No. 29/88/71-AIS(II).]

GOVERNMENT OF INDIA DECISION UNDER RULE 18

1. Simplification of procedure with a view to eliminating delays in the payment of pension and gratuity:- The undersigned is directed to refer to this Ministry's O.M. No. F.11(3)-EV(A)/76, dated the 28th February, 1976, on the subject mentioned above, and to say that certain related issues have been separately under the consideration of the Government viz. (a) the manner in which pension cases which were pending on the date of effect of the afore said O.M. should be processed; (b) the application of the provisions of that O.M. to those cases of retirement on or after 29.2.76 in which the full two-year period envisaged in the time-table is not available; and (c) the manner in which pension papers should be processed in those cases in which retirement occurs ahead of the age of superannuation. Appropriate instructions in regard to these matters are laid down in the ensuing paragraphs.

2. Pending pension cases - As the O.M. dated 28.2.76, was made applicable to persons retiring on or after 29.2.76, such provisions of that O.M. as involve a liberalisation of entitlements would not be applicable to those who had retired prior to 29.2.76. It is, however, the Government's intention that the spirit and approach behind the procedural changes introduced in that O.M. should fully govern the processing of such pending pension cases. Even prior to the issue of that O.M., the C.C.S. (Pension) Rules, 1972, required advance action in regard to pension cases to be initiated one year ahead of the date of the retirement, vide Rules 62, 63 & 66; from July, '75 onwards the advance action was to be initiated two years prior to the date of retirement, vide this Ministry's notification No. F.11(1)-EV(A)/73, dated the 14.7.75. Moreover, even prior to the issue of the O.M. dated 28.2.76, the procedures in force were designed to facilitate the commencement of the payment of pension on the first of the months in which it is due; the O.M. of 28.2.76 merely sought to reinforce those intentions and objectives. In the light of the above, it has been decided that all pending pension cases of those who retired before 29.2.76 should be processed and finalised (where this has been done already) strictly in accordance with the following instructions:

- (i) Where pension and death-cum-retirement gratuity have not yet been released even on provisional basis, action to draw and disburse provisional pension and provisional death-cum-retirement gratuity should be taken forthwith and the payments should commence not later than 1st June, 1976. For this purpose, recourse may be had, if necessary, to the summary procedures laid down in paragraph 8(a) and (b) of the O.M. dated 28.2.76.
- (ii) A flat period of six months at the maximum (four months for the Head of Office and two months for the office which is to issue (PPO/GPO) will be allowed for the final determination of pension and gratuity; the issue of the LPC, the ascertainment and adjustment of recoverable balance of loans and advances and other Government dues etc. Whatever the progress of work upto 29.2.76, the pension cases should be positively completed during the period of six months from 1st March, 1976, fully in conformity with the spirit of the O.M. dated 28.2.76; and the final pension and gratuity payment orders should be issued not later than 31st August, 1976. If the final PPO/GPO has not been issued by that date in any case, the provisions of paragraphs 8(c), 9 and 10 should be fully applicable. After 1st September, 1976, there should be no pending pension cases relating to any Government servant who retired prior to 29.2.76 (except those in which disciplinary proceedings are in progress). It shall be the responsibility of Heads of Departments to ensure that the dates laid down above are adhered to.

3. Cases of retirement on or after 29.2.76 in which the two-year time table is not feasible. (1) Some Government servants might have already retired on or after 29.2.76 and others might be due to retire on varying dates in the future but with less than two years to go. However,

as already mentioned, the rules and orders in force prior to the issue of the O.M. dated 28.2.76 did require advance action to be taken to initiate pension cases one year prior to the date of retirement; and this was changed to two years by this Ministry's notification No. 11(1)-EV(A)/73 dated 14.7.75. There should, therefore, be no difficulty in processing the pension and gratuity in accordance with the time-table laid down in paragraph 2(a) of the O.M. dated 28.2.76, at least in all those cases in which the Government servants are due to retire in July, 77 or later (i.e., two years after the issue of the notification of 14.7.75 referred to above).

- (ii) In respect of Government servants who are due for retirement before July, 1977 it has to be presumed that in pursuance of the extent rules and orders, preparatory work on pension cases, must have started one year prior to the date of retirement. In cases where the preparatory work was not taken in hand, the work should be taken in hand immediately. To the extent that the two-year period envisaged in clause (a) of para 2 of the O.M. dated 28.2.76 is not fully available, the abridgement of the time table should take place essentially by a reduction of the time allotted to the first stage envisaged in the aforesaid clause, the other stages remaining unaltered; and the actual work of preparation of pension papers, viz. the reckoning of qualifying service and average emoluments should be taken in hand eight months before the date of retirement and the rest of the time-table applied accordingly.
- (iii) In respect of government servants who are due to retire in the very near future (say within the next ten months) and in whose cases the preparatory work on the processing of the pension cases has not been taken in hand, the provision of the O.M. dated 28.2.76 would be fully applicable subject only to the practical limitation that the four separate stages envisaged in sub-paragraphs (a), (b), (c) & (d) of paragraph 2 of the O.M. would get compressed into one stage. The grant of provisional pension and provisional gratuity on the first of the month in which pension is due and the final settlement of the pension case and all related matters within a period of 6 months from the date of retirement in terms of paragraphs 8, 9 10 of the O.M. dated 28.2.76 would, of course, be mandatory.

4. Retirement ahead of the age of superannuation - In case of retirement on a retiring pension clause (l) or (k) under F.R. 56 or under Rule 48 of the CCS (Pension) Rules, 1972, or retirement on invalid pension or compensation pension under Rule 38 and 39 respectively of the CCS(Pension) Rules, or retirement on absorption in or under a Corporation, Company or Body under Rule 37 of those rules, it is not possible to anticipate the date of retirement and consequently it is not feasible to initiate advance action in accordance with the two-year time table laid down in the O.M. dated 28.2.76. Nevertheless, this does not detract from the principle that the pension case has to be finalised as quickly as possible in such cases also. Action should be commenced immediately after the fact of the impending retirement of the government servant is known and the pension case and all other related matters and formalities should be fully completed not later than six months from the date of retirement. In such cases also, a provisional Rules, and no permission of the Government of India is required.

5. AIS (DCRB) Rules, 1958 provides that the sanction and payment of retirement benefits to a member of an All India Service shall be regulated by such procedural instructions as may be issued by the Central Government. In pursuance of this rule, the Central Government have decided that when a member of an All India Service completes 20 years of service, the Audit Officer shall verify the service rendered by him in accordance with the rules in force at that time and determine the qualifying service rendered by him and communicate the same to the officer concerned. This verification is subject to final verification of qualifying service which shall be made, if found necessary, at the time of

retirement of a member of the service. [DP& AR letter No. 25011/48/78-AIS(II), dated 6th November, 1978].

6. The Central Government have decided that the simplified procedure laid down in the Ministry of Finance O.M. No. 11(3)-EV(A)/76, dated the 28th February, 1976 (Annexure A) and No. 11(3)-EV(A)/76, dated the 6th May, 1976 (Annexure B) for the calculation of retirement benefits in the case of Central Government servants apply mutatis mutandis to members of All India Services. [DP& AR File No. 11023/4/76-AIS(II)].

[Ministry of Finance OM No. F.11(3)-EV(A)/76 dated 6th May, 1976.]

2. Clarification to Government of India Notification dated 14/1/99- amendment to rules 18 and 22B of the AIS(DCRB) Rules, 1958: - I am directed to state that this Department had issued a notification No. 14021/5/98-AIS(II) dated 14th January, 1999 making amendments to Rules 18 and 22B of the AIS(DCRB) Rules, 1958, for fixation of pension/family pension of the member/deceased members of the All India Services.

2. In the course of implementation of the aforesaid notification clarifications have been sought by the State Governments and individuals about the actual connotation of the "post last held" by the pensioner at the time of his/her superannuation. In exercise of powers conferred on the Central Government under Rule 29 of the AIS(DCRB) Rules, 1958, it is clarified that the proviso to rule 18(1)(b)(i) *ibid*, issued in the aforesaid notification i.e. "the pension of all pensioners irrespective of their date of retirement shall not be less than 50% of the minimum pay in the revised scale of pay w.e.f. 1/1/1996 of the post last held by the pensioner" shall mean that pension of all pensioners irrespective of their date of retirement shall not be less than 50% of the minimum of the corresponding scale as on 1/1/1996 of the scale of pay held by the pensioner at the time of superannuation/retirement. The provisions of sub-rule (2) of rule 22B *ibid* may also be similarly defined.

[letter No. 14021/5/98-AIS(II), dated 6/5/2003]

3. Instructions on dure for payment of pension and other retirement benefits to the All India Service Officers retiring from the Government of India: - The undersigned is directed to state that the question of simplification of administrative procedure for payment of pension, gratuity etc. to the All India Services Officers retiring from the Government of India has been under consideration of this Department. The following decision has been taken in consultation with the Ministry of Finance and the Department of Pension and PW In the light of the earlier Government of India decisions taken in this regard.

- (i) It is clarified that pensionary benefits of officers belonging to the All India Services who retire from Government of India while on Central deputation with the Central Government may, at their option, be finalized and paid by the Ministries/Departments from which they retire as per the procedure in respect of similarly placed AIS officers belonging to the UT Cadre vide this Department's letter No.25011/4/83-AIS(II) dated 11th July, 1984 (p.314, AIS Manual Vol.I, 2002).
- (ii) Other benefits like leave encashment, GPF etc. shall also be finalized by the Ministries/Departments from which they retire.
- (iii) The pensionary liability of All India Services Officers is of the State Government on whose Cadre they are borne. This pensionary liability would continue to be of the State Government concerned. Therefore debit would need to be raised against the respective State Government for pension paid by the Ministries/Departments of the Government of India in respect of such All India Service Officers.

2. The aforesaid decision of the Government of India is hereby conveyed to all the Ministries/Departments of the Government of India for further necessary action accordingly.

[O.M.No. 25014/2/2002-AIS(II) dated 3rd June, 2004]

4. Simplification of Procedure for payment of pension and other benefits to All India Service officers retiring from Government of India/State Governments:- I am directed to refer to the earlier O.M.s of even number dated 3rd June, 2004 and 11th July, 2005 issued by this Ministry on the subject mentioned above. Earlier, the payment of pension to All India Service officers, including those officers who were on deputation with the Central Government, was being made by the respective State Governments on whose cadre those officers were borne. After considering the difficulties experienced by these officers and with a view to simplifying the procedure it was decided by the Government that the AIS officers who were on deputation with the Union Government at the time of retirement could opt for payment of pension and other retirement benefits through the Central Government. Accordingly, suitable instructions were issued by the Controller General of Accounts, Ministry of Finance, Department of Expenditure.

2. Measures for further simplification of the procedure for payment of pension and other retirement benefits to AIS officers retiring from Government of India/State Governments has been under consideration of the Government of India. In consultation with the Ministry of Finance and Department of Pension and Pensioners' Welfare it has now been decided that the following revised procedures/systems would be followed.

- i) Government of India would take over the entire pension liability of all AIS officers, retired as well as retiring, both from the State and Central Government.
- ii) All retiring AIS officers would uniformly have the option of drawal of pension through Government of India or through the State Government. Authorisation of pension for members of the services retiring from State Government would continue with the State Governments. However, officers who retire from the State Government can now opt for payment of pension from the Central Government or the State Government. Similarly, officers retiring from Government of India may opt for authorisation of pension through Government of India or the State Government.
- iii) Existing AIS pensioners shall also be given an option to draw their pension from the State/Central Government as in the case of future retirees.
- iv) In respect of officials retiring from the State Governments and opting to receive pension through State Government, the existing system of authorisation/issue of Pension Payment Order (PPO), payment and accounting of pension and other retirement benefits through the administrative structure of the State Governments/Accountants General will continue as hithertofore. In these cases, the Government of India would reimburse the expenditure to the State, subject to compliance with the Central Government rules and instructions in this regard, in a manner similar to the reimbursement of House Building Advance scheme for All India Services. Guidelines for claiming reimbursement from the Central Government would be issued separately by the Controller General of Accounts, Ministry of Finance, Government of India.
- v) Pension authorisation, etc. of officials retiring from the Government of India and opting to draw pension through the Government of India, shall be processed in accordance with the O.M.s dated 3/6/2004 and 11/7/2005 referred to in paragraph

1 above.

- vi) In respect of officials retiring from the State Government and opting to draw pension through the Government of India, a Designated Authority in each State would completely process all matters relating to the determination of pension, gratuity, adjustment/recovery of advances/other dues and send the PPO for further processing by the Central Pension Accounting Office, Ministry of Finance, New Delhi (CPAO). The CPAO would, thereafter, process/forward these cases to the relevant bank branches (through whom the pensioner desires draw of pension) in a manner similar to the other Central Civil Pensioners. The Designated Authority in each state, shall be communicated by the State Government to the CPAO.
 - vii) The banks would follow a procedure similar to those followed in respect of central civil pensioners, while disbursing pension to the All India Service officials. The 'Scheme for Payment of Pension to Central Government Civil Pensioners by Authorised Banks' shall be followed, mutatis-mutandis, in respect of AIS officials.
 - viii) Currently, the monthly pension disbursement on the PPOs of AIS officials issued by the Ministries/Departments of GOI through CPAO, are scrolled to the accounts of the respective State Government directly (without routing it through Government of India). In the new system, all monthly disbursement on the PPOs, routed through CPAO, Government of India, will be scrolled by the banks to the CPAO, irrespective of whether the person has retired from the Central Government or State Government.
 - ix) In respect of existing pensioners opting to draw pension through Government of India, separate instructions to facilitate transition would follow.
 - x) In order to facilitate accounting, reimbursement to State Governments etc. a separate Head of Accounts for pension of AIS officers will be opened by the Controller General of Accounts, Ministry of Finance, in consultation with Budget Division, Department of Economic Affairs and Comptroller and Auditor General of India.
 - xi) Each State will prepare and send the relevant Budget Estimates against various pensionary benefits in respect of AIS officers to the CPAO by the prescribed dates.
3. Detailed operational procedure to be followed by various agencies for preparation of pension papers, issue of PPO and arranging payment and accounting of payments etc. will be issued by the Controller General of Accounts, Ministry of Finance, Department of Expenditure.
4. In cases of any problem/dispute in individual cases, references may be made to the respective Cadre Controlling Authorities in the Central Government, for appropriate action, if necessary, in consultation with other Departments.

[Instruction issued vide F.no. 25014/2/2002-AIS(II) dated 11/4/2007]

GOVERNMENT OF INDIA'S INSTRUCTIONS UNDER RULE 19

1. *Gratuity is not covered under the term 'pension' in the Pensions Act, 1871, and therefore, does not enjoy the protection:* - Gratuity is not covered by the term 'Pension' occurring in the Pensions Act, 1871, and therefore, does not enjoy the protection, conferred by the various provisions of that Act. It is, therefore, permissible to make recovery of any amount owed by a retired officer to Government from the death-cum-retirement gratuity due

in respect of him, even without obtaining his consent or that of the members of his family in the case of deceased officers, as the case may be.

(G.I. MHA letter No, 2/13/59-AIS(III), dated the 29th December, 1959)

2. The **daughter of a moS, who was unmarried at the time of his death, does not forfeit her share of moS' gratuity on account of her subsequent marriage:** - A member of the service died while in service without making any nomination. One of the surviving members of his family, an unmarried daughter, got married subsequently before the death gratuity was paid. A question arose whether the daughter who was unmarried at the time of his death and was eligible for a share of the death gratuity, forfeited her share on account of her subsequent marriage.

2. According to sub-rule (2) (i) the death gratuity became payable to the surviving members of the officer's family mentioned in sub-clauses (i), (ii) and (iii) of rule 21(i) (a) on the date of his death. An interest in the gratuity had thus accrued to and became vested in each member of the family of the deceased at the time of death. His daughter who was since married was, therefore, entitled to payment of an equal share of the death gratuity along with other members of his family and her right was not forfeited on account of her subsequent marriage.

(G.O.I, MHA letter No. 2/47/60-AIS(III) dated the 8th August, 1960)

3. **Scheme for grant of death-cum-retirement gratuity to member of former ICS, who are now IAS:** - The Government of India have decided to allow an option to the members of the former ICS who are now members of the IAS, to get the benefits of death-cum-retirement gratuity by surrendering a portion of pension admissible to them under the existing rules.

2. The details of the Scheme for grant of death-cum-retirement gratuity as finally approved by the Government of India are given below:-

(1) Amount of Gratuity Admissible:

- (i) Retirement gratuity – At the rate 1/4th of the emolument of Rs.1,800(maximum) for each complete six monthly period of qualifying service subject to a maximum of Rs.24,000.
- (ii) Death gratuity – On death while in service gratuity as in (i) above subject to a minimum of 12 times of Rs.1,800.

(2) Amount of Pension to be surrendered - The pension equivalent of the death-cum-retirement gratuity calculated on the basis of commutation table current at the time of retirement of the officer concerned.

(3) Nominations – The nominations in regard to death-cum-retirement gratuity shall be in accordance with the provisions of Rule 21 of the AIS(DCRB) Rules, 1958.

(4) Commutation of Pension – Further commutation of pension will be permissible to the extent of 1/3rd of the balance left after deducting pension equivalent of death-cum-retirement gratuity.

3. The benefits of the death-cum-retirement gratuity Scheme detailed above will be admissible to all I.C.S. officers who were in service on the 1st January, 1964.

4. The I.C.S. officers concerned, including those, who have retired on or after the 1st January, 1964 had to exercise their option in the matter within 6 months from the date of issue of these orders (7.12.1965). The option was required to be exercised in writing and

communicated to the Accountant General concerned. The option once exercised shall be final.

5. Those who failed to opt for the scheme within the specified period will not be entitled to any benefits of this scheme, as the conditions of service of the I.C.S. officers are different in this respect as compared with those of the other services.

6. The officers who were in service on the 1st January, 1964 but have died thereafter should be deemed to have opted for the new Scheme and their family should be allowed benefits admissible under it.

(G.O.I. MHA letter No. 29/20/61-AIS(II) dated 7.12.1965)

GOVERNMENT OF INDIA'S DECISION UNDER RULE 19-A 19-B 19-BB AND 19-C

1. Extra expenditure under the Deposit Linked Insurance Scheme will be debited by the State Government if the moS serves in the State, otherwise the Account Officer who maintains the provident fund account of the office concerned shall make final payment out of the provisions of the State: - A question has been raised as to whose Budget (State or Central) the extra expenditure under the Deposit Linked Insurance Scheme will be debited in cases where members of the All India Services die while working under the State Government or the Central Government. It has been decided in consultation with the Ministry of Finance and C & AG that the payments has to be debited against the Budget provision made by the concerned Accountant General out of the estimate in respect of the scheme prepared by him. In respect of members of the All India Services allotted to different States, the Budget provision will be made from the State Govt.'s budget under an appropriate Head. When the members of the All India Services borne on a State Cadre are on deputation either to the Central Government or to any other State Government, the Accounts Officer who maintains the provident fund account of the office concerned shall make final payment out of the provisions of the State.

[DP & AR letter No. 15011/65/75-AIS(II), dated 14.11.1965]

2. Regulation of delay in payment of gratuity in case of administrative lapse: -

Copy of letter No. 7/20/89-P & No. (F) dated 22.1.91 extended to members of AIS vide letter 25011/10/91-AIS(II) dated 21.3.91 of D/P&T, GOI

It has been decided that if the payment of gratuity has been delayed due to administrative lapses for no fault of the retiring employee in cases of retirement other than superannuation, the payment of interest may be regulated in the following manner:-

- (i) In case of Govt. servants against whom disciplinary/judicial proceedings are pending on the date of retirement and in which gratuity is withheld till the conclusion of the proceedings:-
 - (a) In such cases if the government servant is exonerated of all charges and where the gratuity is paid on the conclusion of such proceeding, the payment of gratuity will be deemed to have failing due on the date following the date of retirement vide DP & AR OM No. 1/4/Pen. Unit/82 dated 10/1/83, If the payment of gratuity has been delayed, interest may be allowed beyond the period of 3 months from the date of retirement.
 - (b) In cases where the disciplinary/judicial proceedings are dropped on account of the death of the Government servant during the pendency of

disciplinary/judicial proceedings, the payment of gratuity will be deemed to have fallen due on the date following the date of death and if the payment of gratuity has been delayed, interest may be allowed for the period of delay beyond 3 months from the date of death.

- (c) In cases where the Government servant is not fully exonerated on the conclusion of disciplinary/judicial proceedings and where the competent authority decides to allow payment of gratuity in such cases the payment of gratuity will be deemed to have fallen due on the date of issue of orders by the competent authority for payment of gratuity vide DP &AR's OM No. 7(1)/79P dated 11.7.1979. If the payment of gratuity is delayed in such cases interest will be payable for the period of delay beyond 3 months from the date of issue of the above mentioned orders by the competent authority.

- (ii) On retirement other than on superannuation:-

Such cases of retirement will be either under clause (j) or clause (k) of FR 56 or Rules 38, 39, 40, 48 or 48-A of the CCS (Pension sanctioning authority does not get adequate time for processing pension papers, contrary to the case of retirement on superannuation. Instructions have already been issued from time to time that the work relating to verification of service should be done on year to year basis and should not be kept in arrears. Provisions also exist that and should not be kept in arrears. Provisions also exist that on completion of 25 years of service (qualifying) or on one being left with 5 years service before the date of retirement, whichever is earlier, the Head of Office should verify the service rendered by such government communicate to him the period of qualifying service as determined vide Rule 32 of the CSS(pension) Rule, 1972. It is, therefore, expected that even in cases of retiring employees. It has therefore been decided that where the payment of gratuity in such cases is delayed beyond 6 months from the date of such retirement, interest should be paid for the period of delay beyond 6 months from the date of retirement.

- (iii) On death of the government servant while in service:-

Such cases may be considered on the same line as mentioned in clause (ii) above. Detailed procedure for processing the payment of death gratuity is explained in Rule 77 to 80 of the CCS (Pension) Rules, 1972. It is felt that in these cases also it should be possible for the respective offices to process the payment of death gratuity within a reasonable time. It has, therefore, been decided that where the payment of death gratuity is delayed beyond 6 months from the date of death, interest should be paid for the period of delay beyond 6 months from the date of death. If in any case the payment of death gratuity is held up on account of more than one claimant staking his/her qualify for payment of interest in terms of these orders. These will be examined separately in consultation with this Department on the merits of each.

- (iv) Cases where the amount of gratuity already paid is enhanced on account of revision of emoluments or liberalisation in the provisions relating to gratuity from the date prior to the date of retirement of the government servant concerned:-

At present, no interest is paid in such cases. Representations have been received that the payment of difference in gratuity in such cases is unduly delayed. It is expected that once the orders relating to revision of emoluments reckoning for gratuity or liberalisation of rules relating to entitlement of gratuity is issued, the difference in gratuity should be paid within a reasonable time. Taking into account

of arrears of a gratuity is delayed beyond a period of 3 months from the date of issue of the orders revising the emoluments/liberalisation in the rules, interest may be allowed for the delay beyond the period of 3 months of the date of issue on the said orders.

- (v) In cases of permanent absorption in PSU/autonomous bodies otherwise than on en-mass transfer on conversion of Government department or a part thereof into PSU/autonomous body:-

Payment of interest on delayed payment of gratuity in these cases may also be decided in the same manner as prescribed in clause above. If the payment of gratuity has been delayed beyond 6 months from the date of permanent absorption the interest may be allowed for the period of delay beyond 6 months.

2. As far as retirement on superannuation is concerned, the existing procedure for grant of interest if the payment of gratuity is delayed due to administrative reasons/lapses for no fault of the retiring employee will continue to be applicable. In other words, interest will be allowed for the period of delay beyond 3 months from the date of retirement.

3. It has also been observed that there is a general impression among the administrative authorities that interest is to be paid only after disciplinary action being taken against the defaulting staff found reasonable for the delay in payment of gratuity is concluded. It is hereby clarified that this impression is not correct. In all cases in which it is established that the delay in payment of gratuity was attributable to administrative lapse and for no fault of the retiring employee concerned, the interest should be paid without waiting for the outcome of the disciplinary proceedings against the defaulting staff. The disciplinary cases should be proceeded with separately. This may kindly be borne in mind while regulating cases under paragraphs 2 and 3 above. Wherever interest becomes payable in terms of these orders, the same shall be allowed upto the end of the months preceding the months in which gratuity/arrears of gratuity is paid.

4. These orders shall take effect from the date of issue of this O.M. The cases of those government servants who retired/died while in service before this date would also be covered if gratuity has not been paid as on the date of issue of this office Memorandum and there has been delay in its payment beyond three months/six months, as the case may be, of the date of their retirement/death but the interest would be payable in such cases only from the date of the issue of this OM or three months/six months, as the case may be, from the date of retirement/death, whichever date is later. Past cases of retirement otherwise than on superannuation and on death already settled before the issue of this OM, however, need not be reopened.

[25011/10/91-AIS(II) dated 21.3.91.]

3. Procedure of payment of retirement benefits to the family members of the moS who has disappeared: -

O.M.No. 1/17/86-P&PW dated 29/8/86. extended to members of AIS vide letter 25011/12/89-AIS(II) dated 17/5/89.

1. In the normal course unless a period of 7 years has elapsed since the date of disappearance of the employee, he cannot be deemed to be dead and the retirement benefits cannot be paid to the family.

2. This principle is based on Section 108 of the Indian Evidence Act Which provides that when the question is whether the man is alive or dead and it is proved that he has not been heard of for 7 years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

3. Withholding of the benefits due to the family has been causing a great deal of hardship and it has been decided that:-

- (i) when an employee disappears leaving his family, the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of G.P.F. having regard to the nomination made by the employee,
- (ii) After the elapse of a period of one year, other benefits like DCRG/family pension may also be granted to the family subject to the fulfillment of living conditions.

4. The above benefits may be sanctioned by the administrative Ministry/Department after observing the following formalities:-

- 1) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the police.
- 2) An Indemnity Bond should be taken from the nominee/dependents of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and make any claim.

5. The Head of Office will assess all Government dues outstanding against the Government servant and effect their recovery.

6. The family can apply to the Head of the Office of the Government servant for grant of family pension and DCR Gratuity, after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure for sanction of family pension and DCR Gratuity. In case the disbursement of DCR Gratuity is not effected within three months of the date of application, the interest shall be paid at the rates applicable and responsibility for the delay fixed.

[25011/12/89-AIS(II) dated 17.5.89]

4. The admissibility of interest on the gratuity allowed after the conclusion of judicial/departmental proceedings: - I am directed to state that the Central Government has been receiving references from the State Governments about the admissibility of interest on the withheld amount of gratuity and commutation of pension during the pendency of judicial/departmental proceedings against the retired All India Services Officers. The question of grant of interest in such cases has been examined in this Department in consultation with the Department of Pension & Pensioners' Welfare.

2. It has been decided to follow the provision contained in the Government of India Decision No. (1) below Rule 68 of CCS(Pension) Rules, 1972, as reproduced below, regarding the admissibility of interest on the gratuity allowed after the conclusion of judicial/departmental proceedings as there is no such provision under the All India Services (Death-cum-Retirement Benefits) Rules, 1958:-

“Where disciplinary or judicial proceedings against a Government servant are pending on the date of his retirement, no gratuity is paid until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the competent authority. In order to mitigate the hardship to the Government servants who, on the conclusion of the proceedings are fully exonerated, it has been decided that the interest on delayed payment of retirement gratuity may also be allowed in their cases in accordance with aforesaid instructions. In other words, in such cases, the gratuity will be deemed to have fallen due on the date following the date of

retirement for the purpose of payment of interest on delayed payment of gratuity. The benefit of these instructions will, however, not be available to such of the Government servants who die during the pendency of judicial/disciplinary proceedings against them and against whom proceedings are consequently dropped.”

3. The decision in this respect shall be applicable in those cases only which have not been decided so far and future cases. Past cases are not to be re-opened.

4. In its 44th Report, the Parliamentary Standing Committee on the Ministry of Home Affairs had observed that timely payment of pension and retirement dues is not being made to the retiring Government employees and the Committee had recommended certain steps to ensure timely payment of pension and retirement dues to the retiring employees of the Union Government. The Government has decided to implement the recommendations vide Department of Pension & Pensioners' Welfare O.M.No.38/64/98-P&PW(F) dated the 5th October, 1999 and it has been further decided to extend the same to AIS officials with suitable changes as follows:

- (a) All pensioners' dues are to be settled by strictly following the procedures laid down in the All India Services(Death-cum-Retirement Benefits) Rules, 1958.
- (b) Wherever delays are anticipated, provisional pension should be sanctioned immediately.
- (c) Any delay in processing of pension resulting in pension not being authorised on the last working day of retirement of the Government servant should be reported by the Head of the Office to the next higher authority who would watch the settlement of delayed cases.
- (d) In respect of payment of gratuity, Rule 19A of the All India Services(Death-cum-Retirement Benefits) Rules, 1958 may be referred to. As per this Rule, if the payment of gratuity has been delayed because of administrative lapse by more than three months from the date when its payment became due, interest at the rate prescribed by the Central Government from time to time shall be paid on the amount of gratuity in respect of the period beyond three months. In case of any such eventuality, the Chief Secretary of the State Government concerned would initiate action to fix responsibility to recover the amount from the concerned dealing official, Supervisor or Head of Office in proportion to their salary by following the prescribed procedure for the purpose.
- (e) Once it has been decided to pay gratuity, the amount should be paid immediately pending a decision regarding payment of interest. This would reduce the interest liability, if any, on delayed payment of gratuity.
- (f) In the matter of delayed payment of leave encashment, it is noted that there is no provision for payment of interest or for fixing responsibility. Moreover, encashment of leave is a benefit granted under the Leave Rules and not a pensionary benefit.
- (g) In the matter of CGEGIS, the Department of Expenditure, Ministry of Finance in their U.O.No.709/EV/99 dated the 6th August, 1999 has clarified that payments under CGEGIS cannot be termed as terminal benefit. As payments under this Scheme are made in accordance with a Table of benefit which takes into account the interest upto the date of cessation of service, no interest is payable on account of delayed payment in the Scheme. They have also clarified that CGEGIS payment cannot be withheld and no

Government dues can be recovered from the accumulation except the amount claimed by the financial institution as due from the employee on account of loans taken for House building purpose.

5. There is no provision either under the All India Services(Commutation of Pension) Regulations, 1959 or CCS(Commutation of Pension) Rules, 1981 for payment of interest on commutation value of pension. There is no prescribed date for payment of commutation value. A pensioner continues to draw full pension till the payment of commutation value. As such, payment of interest on commutation value does not arise. Further, it may be stated that as per Rule 3 of AIS(Commutation of Pension) Regulations, 1959, a pensioner is not eligible to apply for commutation if any departmental/judicial proceedings is pending against him at the time of his retirement. He becomes eligible only after the departmental/judicial proceeding is over.

6. The State Governments are requested to deal with the matters for payment of gratuity or DCRG and other pensionary benefits to the retiring Members of the All India Services in accordance with the provisions enumerated above. These orders shall be applicable on those cases only which have not been decided so far and future cases. Past cases are not to be re-opened.

[D/P&T letter No.25014/30/99-AIS(II) dated 7.8.2000]

GOVERNMENT OF INDIA DECISION UNDER RULE 19-C

PENSION CALCULATION SHEET

(Revised Format)

(vide OM No.38/24/91-P&PW(F) dated 22.11.91 extended to AIS vide D/P&T letter No.25011/4/92-AIS(II) dated 3.3.92)

1. Name
2. Designation
3. Date of Birth
4. Date of entry in the Govt. service
5. Date of retirement
6. Length of qualifying service reckoned for pension/gratuity
(as indicated in PPO)
7. Emoluments drawn during the last 10 months
8. (1) Average emoluments for pension (as indicated in PPO)
(2) Pension admissible

Calculations to be shown as follows:

$$\frac{\text{Average Emoluments}}{2} \times {}^{*2}\text{Qualifying Service}$$

2

66

9. (1) Emoluments for gratuity
(as indicated in PPO)
(2) Retirement gratuity admissible

Calculation to be shown as follows:

$$\frac{\text{Emoluments}}{4} \times *^2 \text{Qualifying Service}$$

(*² In completed 6 monthly period, not exceeding 66)

10. (1) Emoluments for Family Pension (as indicated in PPO)
(2) Family Pension admissible

Calculations to be shown as follows:

- (a) Ordinary Family Pension:

Pay last drawn x Prescribed % subject to prescribed minimum & maximum

- (b) Enhanced Family Pension:

Family Pension at ordinary rate as at (a) above x 2, subject to prescribed minimum and maximum as per Rule 54.

Countersigned
P.A.O.

Head of Office
PAO

[25011/4/92-AIS(II) dt. 3.3.92]

2. Extra-ordinary Pension- Cases of All India Service Officers:- Rates applicable to after consultation with State Governments as required under rule 2(b) of the All India Service (conditions of Service:- Residuary Matters) Rules, 1960- it has been decided that in the matter of grant of Extra-ordinary Pension to AIS officers serving in connection with the affairs of a State an option may be granted to officers to elect the extra-ordinary pension rules of the State Government or orders issued by Government of India, whichever is more favourable to them. [30/2/66-AIS(II) dated 3/7/67]

3. Special benefits in cases of death and disability in service – payment/revision of disability pension/family pension – recommendations of the 5th Central Pay Commission: - I am directed to state that the Department of Pension and PW vide their OM

No. 45/22/97-P&PW(C) dated 3rd February, 2000 had issued orders for determination of compensation payable for death or disability under different circumstances, which are applicable to the Central Civil Services. Further that Department has issued OM No. 45/22/97-P&PW(C) dated 11th September, 2001 for revision of pension and family pension under the Central Civil Services(Extra-ordinary Pension) Rules/Liberalised Pensionary Award Scheme, applicable to the members of the Central Civil Services. Copies of the aforesaid two Office Memoranda are enclosed.

2. It has come to notice that dependents of the members of the All India Services had been granted Extra-ordinary Family Pension under the CCS(Extra-ordinary Pension) Rules on death of the member of the service. References have also been received in this Department for revision of such family pension. Recently this Department has issued orders extending the benefit of Liberalised Pensionary Award(LPA) and payment of ex-gratia lump sum compensation in the case of death/disability, originally issued by the Department of Pension and PW in respect of the Central Civil Services, to the members of the All India Services.

3. In view of the position mentioned above, it has been decided to extend provisions of the Department of Pension & PW's OM dated 3rd February, 2000 and 11th September, 2001, as referred to in para 1 above, to the members of the All India Services also, mutatis – mutandis.

[letter no. 25014/6/02-AIS(II), dated 9th August, 2002]

(Annexure)

Copy of the Department of Pension & Pensioner's Welfare's O.M. No. 45/22/97-P&PW(C) dated the 3rd Feb. 2000

1. The undersigned is directed to say that the Fifth Central Pay Commission inter alias recommended that for determining the compensation payable for death or disability under different circumstances, the case could be broadly categorized in five distinct categories as under: -

Category 'A'

Death or disability due to natural causes not attributable to Government service Examples would be chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty, etc.

Category 'B'

Death or disability due to causes which are accepted as attributable to or aggravated by Government service. Diseases contract because of continued exposure to a hostile work environment, subjected to extreme Weather conditions or occupational hazards resulting in death or disability would be examples.

Category 'C'

Death or disability due to accidents in the performance of duties. Some examples are accidents while travelling on duty in government vehicles or public transport, a journey on duty is performed by service aircraft, mishaps at sea, electrocution while on duty etc.

Category 'D'

Death or disability attributable to acts of violence by terrorists, anti-social elements, etc, whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel etc. bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc would be covered under this category.

Category 'E'

Death or disability arising as a result of (a) attack by or during action against extremists, anti social element. etc. and (b) enemy action in international war or border skirmishes and war like situations, including cases which are attributable to (i) extremists acts, exploding mines etc. While on way to an operational area: (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition.

2. The Fifth Central pay Commission recommended various relief packages for the above categories, in modification of the existing provision on the subject.

3. The recommendations of the Commission have been under consideration of the Government for some time. Orders have already been issued regarding ex-gratia payment in case of death in service vide this Deptt. OM. No. 45/55/97-P&PW(C) dated 11.09.98. In respect of disability pension/family pension the President is now pleased to decide as under:-

- (i) Cases covered under the Category (A) would continue to be covered under the normal existing provision of CCS (Pension) Rules.
- (ii) In cases covered under categories (B), (C), (D) & (E) the Scales of the family pension/disability pension would be as under :-

I . FAMILY PENSION-FOR CATGORIES B&C

(1) Distinction between widows without children or those with children, for determination of the quantum of Extra- ordinary family Pension shall stand abolished. The quantum of monthly extra -ordinary family pension for all categories of widows shall be: -

- (a) Where the deceased Government servant was not holding a pensionable post. 40% of basic pay subject to a minimum of Rs. 1,650/-
- (b) Where the deceased Government servant was holding a pensioable post. 60% of basic pay subject a minimum of Rs. 2500/-

(2) In case where the widow. dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to children for the period during which they would have been eligible for family pension under the CCS(Pension) Rules. Dependent parents/brothers/sisters etc. Shall be paid family pension one half the rate applicable to widows/fatherless or motherless children.

II. FAMILY PENSION UNDER CATEGORY 'D' & 'E'

(1) Family pension in cases, falling under categories D & E shall be determined under the existing provision of, Liberalised Pensionary Awards Scheme.

(2) If the Government servant is not survived by widow but is survived by Child/children only, all children together shall be eligible for family pension at the rate of 60% of basic pay subject to a minimum of Rs. 2500/- Children allowance, as admissible now, shall stand abolished.

(3) When the Government servant dies a bachelor or as a widower without children, dependent pension will be admissible to parent without reference to pecuniary circumstances, at the rate of 75% of pay last drawn if both parents are alive and at the rate of 60% if only one of them is alive.

(III) DISABILITY PENSION-FOR CASES COVERED UNDER CATEGORY 'B' & 'C'

(i) Normal pension and gratuity admissible under the-CCS (Pension) Rules, 1972 plus disability pension equal to 30% of basic pay, for 100% disability.

(2) For lower percentage of disability, the monthly disability pension shall be proportionately lower as at present, provided that where permanent disability is not less than 60% the total pension (i.e, pension or service gratuity admissible under the ordinary pension rules plus disability pension as indicated at (1) above shall not be less than 60% of basic pay subject to a minimum of Rs. 2500/-

IV. DISABILITY PENSION-FOR CASES COVERED UNDER CATEGORY 'D'

(1) Disability pension comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service upto the date on which he would have retired in the normal course and disability element equal in amount to normal family pension subject to the condition that the aggregate of the service and disability element shall not be less than 80% of the pay last drawn, for 100% disability.

(2) For lower percentage of disability, the disability element shall be proportionately lower as at present.

V. DISABILITY PENSION-FOR CASES COVERED UNDER CATEGORY 'E'

(1) Disability pension, comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service upto the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn subject to the condition that the aggregate of the service and disability elements shall not exceed the pay last drawn, for 100% disability.

(2) For lower percentage of disability, the disability element shall be proportionately lower as at present.

4. Other terms and conditions in the CCS (EOP) Rules and Liberalised Pensionary Awards Scheme which are not specifically modified by these orders shall continue to remain operative.

5. The Fifth Central Pay Commission also suggested certain procedural changes. These have also been considered by the Government. The President is now pleased to decided as under :-

(i) The extant of disability or functional incapacity shall be determined in the following

manner for purpose of computing the disability element forming part of benefits: -

Percentage of disability assessed by Medical Board	Percentage to be reckoned for Computation of disability	Element
Less than 50	50	
Between 50 and 75	75	
Between 76 and 100	100	

(ii) The findings of the Medical Board on the extent of -disability would be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the Board. In case the appeal is accepted and a review Medical Board is constituted the findings of the Board would be binding on all parties.

The extent of disability as determined and accepted would be treated as final and the employee would not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

(iii) Different department and offices shall have the powers to grant disability/family pension covered under the Government orders and instructions issued on the subject. They shall exercise these powers, wherever necessary, in consultation with the Financial Advisers. Only in cases not covered strictly in terms of the Government guidelines and instructions, reference to Department of Pension and Pensioner's Welfare shall be made.

6. These orders will be effective from 01.01.1996. The past cases of pre-1996 pensioners/family pensioners will be revised under this Dept's OM No. 45/86/97-P&PW(A)-Part-II dated 27.10.1997. Such consolidated pension, shall however, be subject to the provisions of the Deptt's OM No. 45/10/98-P&PW(A) dated 17.12.1998.

7. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O.NO. 20/E.V/2000 dated 6.1.2000.

8. In so far as employees of India Audit and Accounts Department are concerned, these orders have been issued after consultation with the C & AG of India.

To All Ministries/Departments of Government of India .

(Annexure)

In para 6 of O.M. 45/22/97-P & P.W. (C), dated the 3rd February, 2000 (Decision (1) above), it has been provided that the past cases of pre-1996 pensioners/family pensioners will revised under this Department's OM, dated 17-12-1998.

2. The question of modified parity between past and present pensioners, covered under the Central Civil Services (Extraordinary Pension) Rules/Liberalized Pensionary Award Scheme, on the lines of benefits sanctioned for ordinary pensioner/family pensioners, has been under the consideration of the Government. It has now been decided that the revision

of pre-1996 pensioners/family pensioners coming under this category would be done as under.

(A) The past cases of pre-1996 pensioners/family pensioners will be revised under this Department' O.M No. 45/86/97-P & P.W. (A) (Part-II), dated 27-10-1997 as is being done hithertofore and the revised pension on the basis of the provisions of this OM worked out.

(B) The benefits under this Department's O.M. No. 45/86/97-P. & P.W. (A) (Part-III), dated 10-2-1998 shall also be extended in the case of pensioners/family pensioners of these categories. In other words, the pay of the employee would be updated from one Central Pay Commission to the subsequent one, etc., and fixed notionally as on 1-1-1986, as if he was in service on that day, as per the procedure laid down in the OM, dated 10-2-1998. The pension/family pension on such notionally fixed emoluments would now be calculated by applying the rates applicable for each category of Extraordinary Pension/Family Pensioners and this would be further consolidated for fixation of pension as on 1-1-1996 by applying the usual procedure.

(C) The pension/family pension shall also be calculated as on 1-1-1996 by applying the following procedure.

1. Family pension for Categories "B" & "C"

(a)	Where the deceased Government servant was not holding a pensionable post: 40% of minimum basic pay in the revised scale, applicable from 1-1-1996, of the post last held by the employee, subject to a minimum of Rs. 1650.
(b)	Where the deceased Government servant was holding a pensionable post : 60% of minimum basic pay in the revised scale, applicable from 1-1-1996, of the post last held by the employee, subject to a minimum of Rs. 2500.

In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to children for the period during which they would have been eligible for family pension under the CCS(Pension) Rules. Dependent parents/brothers/sisters, etc., shall be paid family pension one-half the rate applicable to widows/fatherless or motherless children.

II. Family Pension under categories 'D' & 'E'

Family pension shall be calculated as the minimum pay in the revised scale of pay, applicable from 1-1-1996, of the last post held by the employee.

(a)	If the Government servant is not survived by his widow but is survived by child/children only, all children together shall be eligible for the family pension at the rate of 60% of minimum basic pay in the revised scale, applicable from 1-1-1996, of the post held by the employee, subject to a minimum of Rs. 2,500.
(b)	When the Government servant dies as a bachelor or as a widower without children, dependent pension will be admissible to parent without reference

	to pecuniary circumstances, at the rate of 75% of minimum basic pay in the revised scale applicable from 1-1-1996, of the post last held by the employee, if both parents are alive and at the rate of 60% if only one of them is alive.
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III. Disability Pension for Categories 'B' & 'C'

(a)	Disability pension calculated as 50% of the minimum basic pay in the revised scale, applicable from 1-1-1996, of the post last held by the employee, to be reduced proportionately, if the employee did not have required qualifying service for full pension plus disability pension equal to 30% of the same minimum basic pay, for 100% disability.
(b)	For lower percentage of disability, proportionate reduction would be made in the same manner as provided in the OM, dated 3-2-2000. [Decision (1) above.]

IV. Disability Pension for Category 'D'

(a)	Disability pension would comprise of a service element equal to 50% of the minimum basic pay in the revised scale, applicable from 1-1-1996, of the post last held by the employee subject to proportionate reduction in case his qualifying service up to the deemed date of retirement falls short of full qualifying service and disability element equal to 30% of the same minimum basic pay, subject to the condition that the aggregate of service and disability element shall not be less than 80% of the minimum basic pay in the revised scale, applicable from 1-1-1996, of the post last held by the employee, for 100% disability.
(b)	For lower percentage of disability, proportionate reduction shall be made as provided in OM, dated 3-2-2000. [Decision (1) above.]

V. Disability Pension for cases under Category 'E'

(a)	Disability pension would comprise of a service element equal to 50% of the minimum basic pay in the revised scale applicable from 1-1-1996 of the post last held by the employee subject to proportionate reduction in case his qualifying service up to the deemed date of retirement falls short of full qualifying service and a disability element equal to the same basic pay, subject to the condition that the aggregate of service and disability elements shall not exceed the minimum basic pay in the revised scale, applicable from 1-1-1996, for the post last held by the employee, for 100% disability.
(b)	For lower percentage of the disability, proportionate reduction would be made as provided in OM, dated 3-2-2000. [Decision (1) above].

3. After the revised pension/family pension has been calculated in accordance with the methods indicated in (A), (B) and (C) above, the highest of the three shall be granted as revised pension with effect from 1-1-1996.

4. All other terms and conditions contained in OM, dated 3-2-2000 [Decision (1) above] shall remain unchanged.

5. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No. 355/E. V/2001, dated 26-6-2001.

[G]. Dept. of P. & P.W., No. 45/22/97-P & P.W. (C), dated the 11th September, 2001.]

GOVERNMENT OF INDIA'S DECISION UNDER RULE 21.

1. ***The second nomination may valid even if the first nomination is not cancelled:*** - Mr. X, a member of the Indian Administrative Service filled in two nominations on two different dates. While forwarding the second nomination to the Accountant General the first one was not cancelled. The validity of the nominations was therefore, called in question.

2. The apparent intention of the officer in filling in the second nomination was that the first one shall be superseded, although it was not formally cancelled by him. In view of this, the Government of India decided that his second nomination might be treated as valid.

[G.I., MHA letter No. 2/27/59-AIS(III), dated the 1st April, 1959].

2. ***Nieces do not fall within the definition of the term family given in this rule and are not, therefore, entitled to any family pension:*** - A question arose whether in view of judgements of certain High Courts nieces could be deemed to be members of an officer's family and family pension given to them under rule 22.

2. All India Services (Death-cum-Retirement Benefits) Rules, 1958 are statutory rules. As such it is not necessary to rely on any High Court ruling for the definition of family. For the purpose of these rules the definition of family of a member of the service shall be as given in this rule. Nieces do not fall within the definition of the term family given in this rule and are not, therefore, entitled to any family pension.

[G.I., MHA letter No. 2/117/59-AIS(III), dated the 17th January, 1960.]

GOVERNMENT OF INDIA'S DECISION UNDER RULE 22

1. ***See Government of India's Decision (2) below rule 21.***

2. ***Proposals for the grant of family pension under the proviso to sub-rule (1) should be accompanied by information on the following points:-***

- (i) The amount received or receivable by the family of the deceased officer by way of insurance, Provident Funds and death gratuity.
- (ii) The pay (indicating separately the officiating pay and other emoluments in the nature of Pay including dearness pay) the officer was in receipt of at the time of his death.
- (iii) The number of children left behind, if any, with their ages and the classes in which studying.

[G.I., MHA letter No. 2/53/59-AIS(III), dated the 9th June, 1959.]

3. Former I.C.S. who were in service on 1.1.64, and who have opted for the scheme of DCR Gratuity introduced vide M/O Home Affairs Letter No29/20/61-AIS(II) dated the 7th December, 1965, may be allowed an option to come under the revised family pension scheme as applicable to the Central Govt. Servants: - The Government of India have decided that the members of the former I.C.S. who were in service on 1.1.64, and who have opted for the scheme of DCR Gratuity introduced vide M/O Home Affairs Letter No29/20/61-AIS(II) dated the 7th December, 1965, may be allowed an option to come under the revised family pension scheme as applicable to the Central Govt. Servants.

2. The orders regarding the revised family pension scheme contained in the Ministry of Finance O.M. No F.9(16)-EV/63, dated the 31st December, 1965, shall apply *mutatis mutandis* to the I.C.S. officers who were in service on 1.1.1964 and who opt for both the D.C.R. gratuity and revised family pension schemes.

3. The I.C.S. officers concerned, including those who have retired on or after 1.1.1964, were required to exercise their option in the matter in writing in the prescribed proforma within 6 months from the date of issue of these orders (8.12.1965). The option once exercised shall be final.

4. Those who failed to opt for the schemes within the specified period would not be entitled to any benefits of this scheme, as conditions of service of the I.C.S. officer are different in this respect as compared with those of other services.

5. The officers who were in service on 1.1.1964 but have died thereafter shall be deemed to have opted for the revised family pension scheme and their families should be allowed benefits admissible under it.

[G.I., MHA letter No. 29/6/65-AIS(II), dated the 8th December, 1965]

[G.I., MHA letter No. 29/6/65-AIS(II), dated the 8th December, 1965]

GOVERNMENT OF INDIA'S DECISION UNDER RULE 22-B

1. Revised scheme of family pension applicable to Central Government servants has been extended to the All India Services Officers: - It has been decided to extend the revised scheme of family pension applicable to Central Government servants to the All India Services Officers governed by the AIS(DCRB) Rules, 1958. The orders contained in the Ministry of Finance OM No.F.9(16)-EV(A)/63, dated the 31st December, 1963, would apply *mutatis mutandis* to the All India Services Officers governed by the said Rules, with effect from 1st January, 1964. A formal amendment to the AIS(DCRB) Rules, 1958 has since been made vide Rule 22-B.

2. The officers had to exercise option for the above mentioned orders within 6 months from 1st January, 1964. Those who failed to opt out of the scheme within the stipulated period would be deemed to have opted for it. Those who have been appointed to the Service after 1st January, 1964 or would be appointed subsequently would automatically be covered by the revised scheme and would not be required to exercise the option.

3. The officers who have retired on or after the 1st January, 1964 or the families of those officers who have died while in service after this date are also eligible for the benefit of the revised scheme. In their cases Accountants General have to work out whether the old scheme as laid down in Rule 22 of the AIS(DCRB) Rules, 1958 or the new scheme laid down in Rule 22B is more beneficial to them. Accordingly, they should be deemed to have exercised their option for the old or the new scheme, as the case may be.

[G.I., MHA letter No.F.29/74/63-AIS(II), dated 25.2.64]

2. Modifications contained in para 1 of the Ministry of Finance OM No.F.9(24)-EV(A)/65, dated the 5th January, 1966, Annexure 'A' will apply to AIS & ICS officers: -

The Government of India have decided that the modifications contained in para 1 of the Ministry of Finance OM No.F.9(24)-EV(A)/65, dated the 5th January, 1966, Annexure 'A' will also apply to the officers of the All India Services and also of the Indian Civil Service.

2. These orders will be effective from 1st January, 1966.

3. Those All India Services Officers who were in Service on 31st December, 1963 and had not opted to be governed by the Family Pension Scheme 1964, but who may now desire to avail of the benefits of the present concession may be allowed to exercise by the 30th April, 1966, a fresh option in terms of paras 2 and 4 of the Ministry of Home Affairs letter No.F.29/74/63-AIS(II), dated the 25th February, 1964.

[G.I. MHA letter No.29/5/56-AIS(II), dated 23.2.1966]

ANNEXURE 'A'

Copy of OM No.F.9(24)-EV(A)/65, dated the 5th January, 1966 from the Government of India, Ministry of Finance, Department of Expenditure addressed to All Ministries of the Government of India etc. regarding liberalisation of the provision of the Family Pension Scheme, 1964 in respect of families of Central Government employees who die while in service

Recently there have been a number of deaths of civilian officers in harness where they have left their dependents rather badly off. Government have accordingly considered the question of making suitable provisions so as to alleviate the distress of the families who require greater assistance during the first few years after a Government servant's death while still in service and in partial modification of the orders issued in this Ministry OM No.F.9(6)-EV(A)/63, dated 31.12.1963 and No.F.19(3)-EC(A)/65, dated 9.9.1965, the President has been pleased to decide as under:

- (i) For a period of 7 years from the date of death or till the date on which the Officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable under the aforesaid orders will be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under para 4 of the OM dated 31.12.1963 referred to above.
- (ii) The pension payable thereafter will be at the rates laid down in the respective orders.
- (iii) These orders will not be applicable if the Government servant had put in less than 7 years continuous service prior to his death.
- (iv) The other provisions in the existing orders will continue to operate.

Note 1. In the case of widows/widowers governed by the provisions of OM dated 9.9.1965 referred to above, the child allowance, if any, will be paid in addition.

Note 2. In the case of a person who dies while on extension of service, the date upto which the extension of service had been sanctioned to him before his death will be deemed to be the normal date of superannuation.

2. These orders will have effect from 1st January, 1966.

3. Government servants who were in service on 31.12.1963, and had opted not to be governed by the Family Pension Scheme, 1964 but who may now desire to avail of the benefits of the present concession will be allowed to exercise by the 31st March, 1966, a fresh option in terms of para 8 of this Ministry's OM No.9(16)-EV(A)/63, dated 31.12.1963.

In case of failure to exercise a fresh option within the stipulated period, the earlier option, if any, will be deemed to subsist. The option should be exercised in writing and communicated by the Officer concerned to the Head of Office if he is a non-gazetted officer and to his Accounts Officer if he is a gazetted officer. The option when received from a non-gazetted should be countersigned by the Head of Office and pasted in the service book of the officer concerned. It will be the responsibility of the individual concerned to ensure that the option has reached the Head of Office/Accounts Officer.

4. The administrative authorities are requested to take urgent steps to bring the contents of this OM to the notice of all concerned persons employed under their administrative control, including those on leave or on foreign service.

5. These orders will not be applicable to cases where the deceased Government servant was not governed by the Family Pension Scheme, 1964 for Central Government employees. These orders will not also be applicable to those Government servants who are governed by the Workmen's Compensation Act.

6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller & Auditor General of India.

(2) The Government of India have decided that the modifications contained in the Government of India, Ministry of Finance OM No.F.15(14)-E.V./66, dated the 23rd November, 1966(Annexure 'C') will also apply to Officers of All India Services and the Indian Civil Service.

(2.2) These modifications will be effective from the dates of the orders issued by the Ministry of Finance.

(2.3) Formal amendments to the AIS(DCRB) Rules, 1958 will be issued in due course.

[G.I. MHA No.29/5/66-AIS(III), dated 1.4.67]

ANNEXURE 'B'

Copy of OM No.F.15(14)-EV/66, dated the 19th November, 1966, from Shri C.K. Subramanian, Under Secretary to the Government of India, Ministry of Finance, Department of Expenditure, New Delhi, to all Ministries of the Government of India etc. regarding Family Pension for Central Government employees, 1964 – Grant of Family Pension to the widows.

The President has been pleased to decide that the Note below para 6(iii) of this Ministry's OM No.F.9(16)-E.V.(A)/63, dated the 31st December, 1963 should be substituted as under:-

“(i) where an Officer is survived by more than one widows, the pension will be paid to them in equal shares. On the death of a widow her share of the pension will become payable to her eligible minor child. It at the time of her death, a widows leaves no eligible minor child, the payment of her share of the pension will cease.

(ii) where an Officer is survived by a widow but has left behind an eligible minor child from another wife, the eligible minor child will be paid the share of pension which the

mother would have received if she had been alive at the time of the death of the Officer.”

2. In consequence of the above amendment, sub-para 6 of this Ministry’s OM No.9(16)E.V.(A)/63, dated the 31st December, 1963 will be substituted as follows:-

“Except as provided in the Note below sub-para (III) of this para, pension awarded under this scheme will not be payable to more than one member of an Officer’s family at the same time. It will first be admissible to the widow/widower and thereafter to the eligible minor children.”

3. Cases which have already been settled will not be re-opened; cases outstanding on the date of issue of these orders will be dealt with in terms of these orders.

ANNEXURE ‘C’

Copy of OM No.F.15(33)-E.V./66, dated the 23rd November, 1966 from Shri C.K. Subramanian, Under Secretary, Ministry of Finance, Department of Expenditure, New Delhi to all Ministries of the Government of India etc. regarding Liberalisation of the provisions of the Family Pension Scheme, 1964 in respect of the families of Central Government employees who die while in service.

The undersigned is directed to invite a reference to this Ministry’s OM No.F,9(24)-E.V.(A)/65, dated the 5th January, 1966 on the above subject and to state that the existing para 1(i) therein may be substituted as under:-

“For a period of 7 years from the date following the date of death or till the date on which the Officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable under the aforesaid orders will be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under para 4 of the OM dated 31st December, 1963 referred to above.”

3. Liberalised pensionary awards in the case of death/disability in certain circumstances and special benefits in cases of death and disability in service – payment of ex gratia lump sum compensation to families of Government civilian employees: - I am directed to refer to this Department’s letter of even number dated 3rd February, 1999 and dated 10th December, 2001 on the subject mentioned above and to state that the Department of Pension and PW in their OM No. 33/5/89-P&PW(K) dated 9th April, 1990 and OM No.45/55/97-P&PW© dated 11th September, 1998 (copies enclosed) had issued orders for Liberalised Pensionary Award in the case of death/disability as a result of (i) attack by or during action against extremists, anti-social elements etc., and (ii) enemy action in international war or border skirmishes and payment of special benefits of ex gratia lump sum compensation in the case of death in certain cases, as mentioned in the aforesaid orders of the Department of Pension and PW. These orders are issued by the aforesaid Department in respect of Central Civilian Government servants, as a measure of welfare scheme, in certain circumstances.

2. Keeping in view the working conditions of the members of the All India Services it is felt that these officers are exposed to same amount of risk while performing their official duties. The question of extending the aforesaid schemes to the members of All India Services has been examined in this Department in consultation of the State Governments and it has been decided that the provisions of the aforesaid two Office Memoranda, issued by the Department of Pension & PW will be equally applicable to the members of the All India Services, mutatis-mutandis, from the date these are applicable to the Central Civilian Government servants, irrespective of their place of posting.

[letter no. 25014/3/99-AIS(II), dated 12th July, 2002]

A number of instructions have been issued from time to time on the subject mentioned above, the last in the series being those contained in O.M. No. 2/6/87-PIC (II), dated 7-8-1987 in implementation of Government's decision on the recommendations of the Fourth Central Pay Commission. A need has, therefore, been felt to consolidate these instructions into a single order. For facility of reference in application these instructions have been re-arranged in succeeding paragraphs under suitable subject heads.

2. Applicability

(1) These orders apply to all Civilian Central Government servants, who are governed by the Central Civil Services (Extraordinary Pension) Rules.

(2) These orders also apply to Civilian Central Government servants governed by the Workmen's Compensation Act, 1923, subject to certain adjustments being made as provided in paragraph 9.

3. Scope

(1) These orders apply to Government servants in the following circumstances -

Category 'D' Death or disability attributable to acts of violence by terrorists, anti-social elements, etc., whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including Police personnel, etc., bomb blasts in public places or transport, indiscriminate shooting incidents, in public, etc., would be covered under this category.

Category 'E' Death or disability arising as a result of (a) attack by or during action against extremists, anti-social element, etc., and (b) enemy action in international war or border skirmishes and warlike situations, including cases which are attributable to (i) extremists acts, exploding mines, etc., while on way to an operational area, (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition.

NOTE - It has been decided that the Liberalized Pensionary Awards as modified shall be extended to casualties suffered by the civilian Central Govt. employees assisting the IPKF in Sri Lanka.

(2) The benefits under these orders will be restricted only to those cases where the death/disability is directly caused by actual operations. The following illustrations are mentioned for guidance of sanctioning authorities to determine whether the benefits under the scheme are attracted or not. In case of any doubt, cases shall be referred to the Department of Pension and Pensioners' Welfare.

Illustration I

Officers of Income Tax/Custom/Excise/Police proceed to carry out a raid. If on the way, any member of the team meets with an accident while travelling in a public/private/official vehicle or otherwise, the family shall not be allowed the benefit of these orders as the

injury/death in such a case is not due to any actual operation. However, if any officer/member of the raiding party gets killed/injured as a result of attack by members of the opposite party, family of such a civil servant shall be entitled to the benefits of these orders.

Illustration II

A team of Police/Armed Police members is deployed on duty during agitations. The agitation does not turn violent but the civil servant dies because of, say, heart failure, and not due to any attack by the crowd. The widow of such a civil servant shall not be entitled to the benefits of these orders. However, where a team of civil servants including Police personnel are deployed to contain an agitation by extremists, etc., and death of any civil servant takes place as a result of violence during such an agitation, the widow of the deceased shall be entitled to the benefits under these orders.

Illustration III

Any anti-social element/extremist, etc., deliberately kills/injures any civil servant with a view to spread terror. The widow of such a deceased civil servant shall be allowed the benefit of these orders.

(3) If a Government servant having sustained an injury is invalidated out of service with a disability pension under these orders but dies subsequently as a result of the same injury, he will be deemed to have been killed in action and the awards under these orders will be admissible to the family from the date following the date of his death.

4. Benefit to the family in the event of the Death of the Government Servant - family pension under categories 'D' & 'E'.

(1) If the Government servant is survived by the widow, she will be entitled to family pension equal to the pay last drawn by the deceased Government servant. The said family pension shall be admissible to her for life or until her remarriage.

(2) In the event of remarriage of the widow, family pension will be allowed at the rates of family pension and subject to the conditions laid down for family pension under the CCS (Pension) Rules, 1972, from the date following the date of her remarriage.

(3) If the Government servant is not survived by widow but is survived by child/children only, all children together shall be eligible for family pension at the rate of 60% basic pay, subject to a minimum of Rs. 2,500/- Children's Allowance, as admissible now, stands abolished.

The above family pension shall be payable to the children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules, 1972. The family pension shall be paid to the seniormost eligible child at a time on the lines on which family pension is regulated under the CCS (Pension) Rules, 1972.

(4) Where the Government servant dies as a bachelor or as a widower without children, dependant pension will be admissible to parents without reference to the pecuniary circumstances at 75 % of the pay last drawn by the deceased Government servant for both parents and 60% of the pay last drawn by the deceased Government Servant for a single parent. On the death of one parent dependant pension at the latter rate will be admissible to the surviving parent.

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

5. Children's Allowance -- Stands abolished with effect from 1-1-96.

6. Benefit to Government servant in the event of his being invalided out of service on account of injury -- Grant of Disability Pension.

(a) Disability Pension -- for cases covered under Category 'D'

(1) Disability Pension comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in the normal course and disability element equal in amount to normal family pension subject to the condition that the aggregate of the service and disability element shall not be less than 80% of the pay last drawn, for 100% disability.

(2) For lower percentage of disability, the disability element shall be proportionately lower as at present.

(b) Disability Pension - for cases covered under Category 'E'

(1) Disability pension, comprising a service element equal to the retiring pension and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn subject to the condition that the aggregate of the service and disability elements shall not exceed the pay last drawn, for 100% disability.

(2) For lower percentage of disability, the disability element shall be proportionately lower as at present.

(i) The extent of disability or functional incapacity shall be determined in the following manner for purposes of computing the disability element forming part of benefits:--

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element
Less than 50	50
Between 50 and 75	75
Between 76 and 100	100

(ii) The findings of the Medical Board on the extent of disability would be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the board. In case the appeal is accepted and a review Medical Board is constituted, the findings of the Board would be binding on all parties.

The extent of disability as determined and accepted would be treated as final and the employee would not be required to appear before medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

(2) Where disability pension is allowed under these orders, no other pension will be admissible.

7. Benefits under these orders not to affect normal entitlements to Death/Retirement Gratuity, etc.

Grant of family pension under para. 4 or disability pension under para. 6 of these orders does not in any way affect normal entitlement to Death Gratuity or Retirement Gratuity, as the case may be, under the CCS (Pension) Rules, 1972, or the employer's contribution to the Contributory Provident Fund in the case of persons governed by CPF Scheme or the benefits under the Central Government Employees' Group Insurance Scheme.

8. Definition of expression 'Pay'

The term 'Pay' referred to in these orders means the basic pay in the revised scales of pay promulgated under CCS (Revised Pay) Rules, 1997, as defined in FR 9 (21) (a) (i) and also includes non-practising allowance granted to medical officers in lieu of private practice. It also includes stagnation increments.

9. Government servants governed by Workmen's Compensation Act, 1923

The Government servants governed by the provisions of the Workmen's Compensation Act, 1923, shall also be eligible for the awards under these orders. Where the benefit admissible under these orders is more than the benefits admissible under the Workmen's Compensation Act, 1923, the compensation admissible under the said Workmen's Compensation Act, 1923, will not be separately payable. If, however, the sum admissible under these orders is less than the amount payable as compensation under (i) the Personal Injuries (Emergency Provision) Act, 1962, as amended by the Personal Injuries (Emergency Provision) Amendment Act, 1971, and (ii) the Personal Injuries (Compensation Insurance) Act, 1963, as amended by the Personal Injuries (Compensation Insurance) Amendment Act, 1971, they shall have a right to receive an amount equal to the difference between the sum admissible under these orders and the amount of compensation payable under the said Acts. For the purpose of determining such difference, the latter amount shall be converted, if necessary, into a recurring monthly payment by applying the table given in the [annexure](#) as in the illustration below -

Illustration

Suppose the lump sum amount is Rs. 2,437 and the age last birthday of the beneficiary is 43 years. The factor given in Col.(2) against age 43 of the table enclosed is 0-00652957. The equated monthly installment will be equal to $2,437 \times 0.00652957$, i.e., Rs. 15.91 (rounded to the nearest paise).

10. Procedure for Grant of Awards and Residuary Provisions

(1) The procedure prescribed for grant of awards under the CCS (EOP) Rules will continue to be followed for grant of award under these orders.

(2) Except where expressly provided otherwise in these orders, the other conditions prescribed for grant of awards under the CCS (EOP) Rules will continue to be applicable.

Different departments and offices shall have the powers to grant disability/family pension covered under the Government orders and instructions issued on the subject. They shall exercise these powers, wherever necessary, in consultation with the Financial Advisers. Only in cases not covered strictly in terms of the Government guidelines and instructions, reference to Department of Pension and Pensioners' Welfare shall be made.

11. Date of Effect

These orders will be effective from 1-1-1996. The past cases of pre-1996 pensioners/family pensioners will be revised under this Dept.'s O.M. No. 45/86/97-P.&

P.W.(A)-Part-II, dated 27-10-1997. Such consolidated pension, shall, however, be subject to the provisions of the Dept.'s O.M. No. 45/10/98-P. & P.W. (A), dated 17-12-1998.

12. Interpretation

Where any doubt arises as to the interpretation of the provisions of these orders, it shall be referred to the Government in the Department of Pension and Pensioners' Welfare for decision.

13. In their application to the staff working in the Indian Audit and Accounts Department, these instructions have been issued in consultation with the Comptroller and Auditor-General of India.

14. Ministry of Agriculture, etc., are requested to bring these orders to the notice of all concerned for their guidance.

ANNEXURE

Table showing the equated monthly instalments payable for life in lieu of a lump sum payment of Re. 1 (One rupee) due at ages shown in col. (1).			
Age last birthday of the beneficiary on the date of death of the employee (x) (1)	Equated monthly instalment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee) (2)	Age last birthday of the beneficiary on the date of death of the employee (x) (1)	Equated monthly instalment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee) (2)
15	.00471732	46	.00685763
16	.00475242	47	.00697478
17	.00478911	48	.00709629
18	.00482604	49	.00722304
19	.00486170	50	.00735539
20	.00489705		
21	.00493425	51	.00749383
22	.00497370	52	.00763891
23	.00501551	53	.00779068
24	.00505986	54	.00794944
25	.00510711	55	.00811588
26	.00515735	56	.00828975
27	.00521044	57	.00847108
28	.00526648	58	.00866105
29	.00532588	59	.00885957

30	.00538879	60	.00906678
31	.00545532	61	.00928264
32	.00552586	62	.00950790
33	.00560069	63	.00974405
34	.00567982	64	.00999134
35	.00576319	65	.01024980
36	.00585008	66	.01051930
37	.00593983	67	.01080167
38	.00603239	68	.01109777
39	.00612737	69	.01140868
40	.00622483	70	.01173582
41	.00632463	71	.01207896
42	.00642615	72	.01243851
43	.00652957	73	.01281669
44	.00663558	74	.01321462
45	.00674469	75	.01363359

(annexure)

[Instructions issued vide No. 45/55/97-P&PW (C) dated 11th September, 1998]

Subject : Special Benefits in cases of Death and Disability in Service-Payment of Ex Gratia Lumpsum compensation to families of Central Government Civilian Employees who die in harness. Recommendations of the Fifth Central Pay Commission.

Central Government Civilian Employees paid from Civil Estimates, other than those to whom the Workmen's compensation Act applies, who sustain injuries or contract diseases or die or are disabled or incapacitated on account of causes which are accepted as attributable to or aggravated by government service are eligible for certain special benefits under the Central Civil Services (Extra ordinary Pension Rules). The benefits available under these Rules have been amended and liberalized from time to time. Separate orders have also been issued by Government to provide for the grant of Liberalized pensionary Awards in cases of death or disability arising in certain special circumstances, such as (i) attack by or during action against extremists. anti-social elements etc. and (ii) enemy action in international war or border skirmishes. Instructions issued in this regard from time to time were consolidated in this Department's O.M.No. 33/5/89-P&PW (K) dated April 9, 1990.

2. Orders were also issued in this Department's D.O. Letter No. 46/1/88-P &PW(F) dated November 24, 1988 in regard to payment of ex gratia lumpsum compensation to the families of Central Government employees killed in incidents of terrorist violence in Punjab. These orders were subsequently extended in this Department's D.O. letter N0. 46/1/88-P&PW(K) dated May 25, 1990 to the families of Central Government employees killed in terrorist violence in Jammu & Kashmir.

3. Apart from the general orders and instruction issued by this Department from time to time, individual ministries and departments such as the Ministry of Home Affairs, Ministry of Information & Broadcasting, etc. have also issued separate orders to provide for the payment of ex gratia compensation at the prescribed rates to the families of personnel of the Central Police Organisations , Akashwani, Doordarshan etc. killed in the course of performance of their duties as a result of violence by armed hostile, extremists. etc. or as a result of encounters with antisocial elements.

4. The question of rationalization and further liberalization of the existing schemes and guidelines has been engaging the attention of Government for quite some time, particularly in the context of the increase in militancy and extremist activities in different parts of the country. The Fifth Central Pay Commission having been appointed in the meantime, the commission had been requested to examine the existing benefits available in terms of various schemes and guidelines and to recommend a comprehensive policy that could be adopted in regard to ex gratia payments in cases of death in various circumstances in any part of the country, which could replace all isolated decisions that might have been taken in the past by the Government or by various individual ministries for different disturbed region in the country.

5. In supersession of all earlier orders issued by Government as well as by individual ministries and departments in so far as these relate to payment of an ex gratia lumpsum compensation in certain specified circumstances the President is pleased to decide that families of Central Government Civilian employees who die in harness in the performance of their bonafide official duties under various circumstances shall be paid the following ex gratia lumpsum compensation.

(a) Death occurring due to accidents in the course of performance of duties	Rs. 5.00 lakhs
(b) Death occurring in the course of performance of duties attributable to acts of violence by terrorists. anti-social elements, etc.	Rs. 5.00 lakhs
(c) Death occurring during (a) enemy action in international war or border skirmishes and (b) action against militaries, terrorists, extremists, etc.	Rs. 7.50 lakhs

6. The graded structure of ex gratia lumpsum compensation takes into account the hardships and risks involved in certain assignments, the intensity and magnitude of the tragedy and deprivation that families of government servants experience on the demise of the bread-winner in different circumstances, the expectations of the employer from the employees to function in extreme circumstances etc. The Compensation is intended to provide an additional insurance and security to employees who are required to function under trying circumstances and are exposed to different kinds of risks in the performance of their duties.

7. Power were delegated in the Ministry of Finance O.M. No. 19(18) -EV (A)/66 dated February 26. 1966 to the appointing authorities to sanction awards under the relevant Extraordinary Pension Rules in those cases in which the proposed pension or gratuity is held to be clearly admissible under the rules. However, any awards proposed to be granted

on ex gratia basis were to continue to be referred to the Ministry of finance as usual. In partial modification of these orders, in so far as they relate to ex gratia awards, the admissibility of and entitlement to the ex gratia lumpsum compensation in the circumstances specified in these orders may be decided in each individual case by the concerned Administrative Ministries themselves in consultation with their Financial Advisers.

8. The Conditions governing the payment of ex gratia lumpsum compensation in terms of these orders and the guidelines to be observed have been indicated in the Annexure to this Office Memorandum.

9. The orders shall apply to all cases of death in harness occurring on or after August 1, 1997. In so far as cases of death, which occurred prior to August 1, 1997 are concerned, these shall be regulated and finalized in terms of the orders and instruction in force prior to the issue of these orders.

10. In so far as persons serving in the Indian Audit and Accounts Department are concerned these orders issue in consultation with the Comptroller and Auditor General of India.

11. The Ministry of Agriculture etc. are requested to bring the contents of this O.M. to the notice of all concerned for their guidance and compliance.

12. Hindi version will follow.

ANNEXURE TO DEPARTMENT OF PENSION & PENSIONERS WELFARE O.M. NO. 45/55/97-P&PW(C) DATED 11TH SEPTEMBER, 1998

Conditions governing the payment of ex gratia lumpsum compensation and guidelines to be observed

1. The Main condition to be satisfied for the payment of the ex gratia lumpsum compensation in the specified circumstances is that the death of the employee concerned should have occurred in the actual performance of bonafide official duties. In other words, a causal connection should be established between the occurrence of death and government service.

2. Powers having been delegated to the Administrative Ministries to sanction ex gratia Payments under these orders, it shall be their responsibility as well as that of the Financial Advisers to satisfy themselves that the death of the government servant to be compensated by the payment of the lumpsum ex gratia to the family in fact occurred in the actual performance of bonafide official duties and to establish its causal connection and nexus with government service. This could be done on the basis of medical and other documents relating to the case.

3. Even if a Government servant had died in such circumstances that a medical report could not be secured, the nexus and causal connection with government service would need to be adequately established in determining the entitlement to the ex gratia lumpsum payment. In deciding this issue all evidence (both direct and circumstantial) shall be taken into account and the benefit of reasonable doubt given to the claimant. The benefit of reasonable doubt will be extended more liberally in field service cases, as provided in the guidelines for conceding attributability of disablement or death to Government service forming part of the Central Civil Services (Extra ordinary Pension) Rules.

4. In cases of accidents to commercial aircraft resulting in the death of passengers, compensation is payable to the next of kin by the national or private airline concerned in terms of international conventions. The ex-gratia lump sum compensation in terms of these orders will therefore, not be admissible in addition in the event of death due to accidents

while travelling on duty by commercial aircraft and shall be restricted only to those cases where death occurs in an accident while travelling on duty by service aircraft. The payment of ex gratia in these cases will be without prejudice to the bond required to be executed by the civilian government employees indemnifying the Government against any claims on account of death while travelling by service aircraft.

5. Railways also pay compensation to the next of kin of passengers killed in train accidents. Therefore, the ex gratia compensation admissible in terms of clause (a) of para 5 of these orders shall be reduced by the compensation, if any, received by the next of kin of Central Government Civilian employees killed in train accidents while travelling on duty.

6. Ex-Gratia compensation under clause (b) of para 5 will be admissible to police personnel killed while employed in aid of the civil administration in quelling agitations, protest demonstrations, riots, etc. regardless of whether such agitations, demonstrations, etc. are resorted to by members of the public, political parties, etc. or by other public servants, including police personnel. In addition, in the context of a perceptible increase in violence-related incidents over the years, Central Government Civilian employees on duty could become unwitting victims of bomb blasts in public places or vehicles, indiscriminate shooting incidents in public, etc. often resorted to by terrorists, anti-social elements, etc. The compensation under clause (b) will also, therefore, be admissible in cases of death in such incidents, provided the employees concerned were actually on duty at the relevant time.

7. Cases of death resulting from acts of violence or assault by terrorists, anti-social elements, etc. against a Government servant with the intention of deterring or preventing him from performing his duties: or because of any act done or attempted to be done by such Government servant in the lawful discharge of his duties: or because of his official position will also be covered under clause (b).

8. Ex-Gratia compensation under clause (c) of para 5 will generally be restricted only to those cases where the death of the employees is directly caused by actual field operations. In addition, families of Central Government Civilian Employees killed after being kidnapped by militants, terrorists, extremists, etc. because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.

9. Few illustrative examples of cases to be covered under the different clauses of para 5 are contained in the Appendix for the guidance of sanctioning authorities. In case of any doubt in regard to the applicability of the ex gratia compensation scheme, such cases will be referred to the Department of Pension & Pensioners' Welfare for appropriate decision in consultation with the Department of Expenditure.

10. The ex-gratia compensation in the circumstances specified in these orders shall be admissible in addition to such other benefits as may be admissible under the Central Civil Services (Extraordinary Pension) Rules or the Liberalized pensionary Awards Scheme, as the case may be. This will also be mutually exclusive of such other benefits as may be admissible under the Central Government Employees' Group Insurance Scheme, General/Contributory Provident Fund. etc. and will be payable in addition to such benefits.

11. In determining the admissibility of the ex gratia compensation payable from Central Government funds, ex gratia payments, if any, made to families of the deceased Government servants from State funds by the State Government concerned shall not be taken into account and shall be excluded.

12. In certain cases, relief is also provided to families of deceased Government servants from sundry government sources, such as the Prime Minister's Relief Fund, Chief Minister's Relief Fund etc. In such cases, it should be ensured that the aggregate of the relief/ex

gratia compensation paid from different sources does not exceed Rs 10 Lakhs in each individual case.

13. In view of the fact that the ex gratia compensation in terms of these orders is payable to the families of the deceased Government servants, default or contributory negligence, if any, on the part of the Government servants concerned shall not be taken into account in sanctioning the compensation.

14. Any related issue not specifically covered in these orders shall be decided in terms of the relevant provisions in this regard contained in the Central Civil Services (Extraordinary Pension) Rules as amended from time to time and the instructions issued thereunder.

15. Where any doubt arises as to the interpretation of the provisions of these orders, it shall be referred to the Department of Pension & Pensioners' Welfare for decision.

illustrative Examples of Cases Covered Under Different Clauses of Para 5 of Department of Pension & Pensioners Welfare

O.M. No.45/55/97-P&PW(C) DATED 11th SEPTEMBER, 1998

[Refer Sl. No. 9 of Guidelines annexed to the O..M.]

Clause (a): Death Attributable to accidents while on duty:

1. Death, as a result of an accident while travelling in a public, private or official vehicle or otherwise of a Group 'D' employee, Dispatch Rider, Messenger, Postman, Notice Server, etc. deputed to distribute dak, notices etc. or of personnel on field duties.
2. Death occurring due to an accident while travelling on bonafide official duties in a service aircraft.
3. Accidents during test flights of aircraft and non-scheduled flights of chartered aircraft resulting in death of employees travelling on duty in public interest in such flights.
4. Death in train accidents, of personnel undertaking official journeys on duty.
5. Accidents to ships, river steamers, etc. resulting in death of Government servants undertaking journeys on duty by these modes of travel.
6. Death as a result of accidents, of personnel of Income Tax and Customs & Central Excise Departments, Central Police Organisations, etc. while proceeding on raids against tax evaders, anti-social elements, etc.
7. Death due to contact with live electric/power lines, of personnel deployed on flood /cyclone relief activities.
8. Death due to electrocution, of departmental employees engaged in rectification of defects in generator and distribution of electricity.
9. Accidents while engaged in rectification of defects in machinery and equipment.
10. Death due to accidental explosion of boilers, storage tanks of inflammable materials, chemicals, etc.
11. Death due to fire accidents while on duty.
12. Death of fire Fighting Staff engaged in fire-fighting operation.

Clause (b): Death Attributable to acts of violence by terrorists, anti-social elements, etc

1. Death resulting from acts of violence or assault by terrorists, smugglers, Dacoits, anti-social elements, etc. against an individual Government servant-
 - (a) with the intention of deterring or preventing him from performing his duties; or
 - (b) because of any act done or attempted to be done by him in the lawful discharge of his duties; or
 - (c) Because of his official position.
2. Personnel of Akashwani, Doordarshan, and other Central Government departments killed in the course of performance of their duties as a result of violence or attack by armed hostile, extremists, terrorists, anti-social elements, etc.
3. Central Government employees, on duty, killed in incidents of terrorist violence in Jammu & Kashmir, the North Eastern Region, Punjab, etc. other than in actual operations and encounters.
4. Death due to stone-throwing use of weapons and other violent acts by demonstrators, anti-social elements, etc., of police and other civilian personnel while employed in aid of the civil administration in quelling agitations, protest demonstrations, riots, etc.
5. Death of personnel of Income Tax and Customs & Central Excise Departments, Police personnel etc. while proceeding on raids against tax evaders, smugglers, anti-social elements etc. attributable to attacks by the parties so raided, including anti-social elements.
6. Death of forest personnel engaged in anti-poaching and forest protection activities in encounters with poachers, timber smugglers, etc.
7. Death, while on duty, as unwitting victims of bomb blast in public places or vehicles, indiscriminate shooting incidents in public. etc. often resorted to by terrorist, anti-social elements etc.

Clause (c): Death occurring during wars or border skirmishes and action against militants, terrorists, and extremists.

The ex-gratia compensation under clause (c) of para 5 will be restricted only to those cases where Central Government employees are killed in actual field operations, A higher rate of compensation has been prescribed in these cases having regard to the magnitude of the hardships and risks involved in field operations, including combating operations against terrorists, militants, etc. This will generally be applicable only to the personnel of the Central Para Military forces deployed along the borders, Line of Control etc. as well as those engaged in combating terrorism. The condition of being actually involved in field operations will, therefore, have to be satisfied before the higher ex gratia compensation of Rs. 7.50 lakhs is sanctioned.

As indicated in para 5 of the O..M., compensation under this clause will be admissible to families of Central Government Civilian Employees killed-

- (i) in action in international wars:
- (ii) while fighting in war-like situations or border skirmishes with any country;
- (iii) in action against armed hostile, militants, terrorists and extremists;
- (iv) during laying or clearance of mines, including those laid by enemies, militants, and terrorists, etc. as well as in the course of mine-sweeping operations:

- (v) as a result of exploding mines en route to an operational area:
- (vi) during battle inoculation as part of prescribed training exercises involving the use of live ammunition:

In addition families of Central Government Civilian Employees killed after being kidnapped by militants, terrorists, extremists, etc. because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.

GOVERNMENT OF INDIA'S DECISION UNDER RULE 26

1. Re-employment to cadre posts will be regulated by rule 9 of these rules and to non-cadre posts, State Government rules will apply: - These rules do not contain any provision regarding reemployment of retired Indian Administrative/Police Service Officers. A question therefore, arose by what rules their re-employment under State Government should be regulated.

2. Indian Administrative/Police Service Officers are treated as non-cadre officers after their retirement. Their re-employment in cadre posts shall be regulated by rule 9 of Indian Administrative/Police Service (Cadre) Rules, 1954. As regards reemployment in non-cadre posts, State Government rules will apply.

[G.I., M.H.A. letter No. 10/5//59-AIS(II), dated the 16th June, 1959.]

2. No permission of the Government of India is required for re-employment of a member of service on the administrative staff of a university: - A question having arisen, it was decided that re-employment of a member of service on the administrative staff of a university, does not come within the purview of Rule 26 of AIS(DCRB) rules, and no permission of the Government of India is required.

(F.No.10/7/62-AIS(II))

3. permission of the Government of India is not necessary for re-employment under the State Government or body corporate or not, which is wholly or substantially controlled by State Government: - Re-employment under the State Government or body corporate or not, which is wholly or substantially controlled by State Government or an Institute like the Indian Institute or Public Administration, does not come within the definition of 'commercial employment' and permission of the Government of India is not necessary.

[Ministry of Home Affairs letter No. 10/3/62-AIS(II), dated 23.4.1962 & F. No. 11/18/62-AIS(II).]

4. It has been decided that fixation of pay of re-employed IAS/IPS officers under the State Government will be regulated in accordance with Government of India, Ministry of Finance O.M. No. 8/E.II/57, dated the 25th November, 1958.

[MHA letter No. 13/19/58-AIS(III), dated 26.6.1959 and F. No. 1/5/26-AIS (II).]

5. State Governments are not competent to grant permission for re-employment within two years of retirement of the moS: - Recently, a State Government had referred to the Central Government a request from a retired officer of an All India Service for permission to accept commercial employment within two years after retirement. While forwarding the case, the State Government informed the Government of India that in view of the urgency represented by the officer, the State Government had permitted him to accept

the employment provisionally in anticipation of the Central Government's approval subject to the condition that he should resign the appointment if the Government of India did not approve of such reemployment.

2. As under Rule 26(1) of the AIS(DCRB) Rules, 1958, the responsibility of examining such cases and sanctioning permission has been cast upon the Government of India, State Governments are requested not to permit All India Services Officers to accept such commercial employment, in anticipation of Government of India's orders. As a matter of general policy, the Government of India are averse to the acceptance of such commercial employment, by retired All India Services Officers within two years of retirement.

(G.I., Ministry of Home Affairs letter No. 11/10/63-AIS(II), dated the 16th August, 1963.)

6. It has been decided that no permission is required for acceptance of Professorship at MIT Harward after retirement.

[File No. 26013/4/75-AIS(II).]

7. It has been decided that the acceptance of appointment as Arbitrator does not constitute commercial employment.

[File No. 17/7/72-AIS(II).]

8. The reputation of the firm offering employment would also be a consideration which should be taken into account by the State Government with reference to the relevant five criteria : - It has been decided that the reputation of the firm offering employment would also be a consideration which should be taken into account by the State Government with reference to the relevant five criteria. For instance, the fact that firm is blacklisted by Government will be one of the factors which will render the employment to be considered as not being of a thoroughly reputable kind.

[G.I. DP&AR Letter No. 26013/2/75-AIS(II), dated 14.2.1975].

9. Employment of All India Services pensioner in a nationalised bank and State Bank of India and its subsidiaries will not amount to acceptance of commercial employment.

[DP&AR File No. 18/19/73-AIS(II).]

10. Instructions to the States for re-employment of AIS officers in a private undertaking as a nominee Director by the Government or a public financial institution: - The question whether appointment of an All India Service pensioner in a private undertaking as a nominee Director by the Government or a public financial institution, amounts to acceptance of commercial employment under rule 26(1) of All India Service (DCRB) Rules, has been under the consideration of this Department. It has been decided to lay down the following instructions for the information and guidance of State Governments:-

- (1) Where the management of a private company is taken over by a public financial institution/State Government/ Central Government, the appointment of a retired member of an All India Service as Chairman/Director/Managing Director by the public financial institution of the Government should be construed as "employment under a corporation controlled by Government", as envisaged in explanation 1 below rule 26(1) *ibid*. Such an employment will not amount to commercial employment and the officer concerned will not require to obtain prior permission of the Central Government.
- (2) Where a public financial institution/Government appoints a retired member of an All India Service as Chairman/Director/Managing Director in a company, whose management

continues in private hands, such employment will technically fall in the purview of expression "commercial employment". It is, however, not necessary to treat such employment on par with normal commercial employment as it is the Government or the public financial institution as the case may be, that seeks to protect its interest through appointment of the retired member of the service as a nominee Director. The retired officer would be an appointee of the institution or the Government though he would receive his pay or free from the private company. In such cases, approval of the Central Government for permitting the officer to accept the appointment in question under rule 26(1) of All India Service (DCRB) Rules, 1958, could be presumed [DP& AR letter No. 26014/17/77-AIS(II), dated 4.1.1978].

- (1) While forwarding applications from individual offices for permission to accept commercial employment during leave preparatory to retirement or after retirement, the State Government/Ministry may clearly specify whether they are satisfied that each of the following criteria is fulfilled, viz.
 - (i) Has the officer while in service had any such dealing with the proposed employer as might create the suspicion that he had shown favour to the latter?
 - (ii) Will his commercial duties be such that his official knowledge and experience could be used to give the employer an unfair advantage?
 - (iii) Will his duties be such as might bring him into conflict with Government?
 - (iv) Is the proposed employment of a thoroughly reputable kind?
 - (v) Are there any exceptional circumstances which would make the refusal of consent a real hardship?

They may also indicate the salary which the officer expects to receive on accepting commercial employment, [G.I., Ministry of Home Affairs letter No. 11/20/59-AIS(II), dated the 7th August, 1959.]

- (2) It has been decided that an All India Service Pensioner, who wants permission to take up commercial employment under rule 26 of AIS(DCRB) Rules, 1958, will have to indicate in his application the details of posts held by him under the Central Government any time before his retirement from service. Accordingly, the form of application for permission to accept commercial employment prescribed under the Ministry of Home Affairs Letter No. 11/1/68-AIS(II), dated the 23rd January, 1968 has been slightly amended and the revised form is annexed herewith.

[D.P. & A.R. letter No. 26013/22/78-AIS(II), dated the 16th August, 1979.]

GOVERNMENT OF INDIA DECISION UNDER RULE 28

ANNEXURE A

Copy of Ministry of Finance OM No.11(3)-EV(A), dated the 28th February, 1976 regarding simplification of procedures with a view to eliminating delays in the payment of superannuation pension and death-cum-retirement gratuity.

The question of simplifying and expediting the procedures for the sanctioning and grant of pension to Central Government employees has been under Government's consideration. The President is pleased to decide that the following modification in the

CCS(Pension) Rules, 1972, and other relevant orders will come into effect from 1st March, 1976, that is, in respect of persons retiring on or after 29th February, 1976.

(f) Time table for the work

The payment of superannuation pension should in all cases commence on the first of the month in which they are due. For this purpose, Head of Offices and others responsible for or connected with pension cases, including those responsible for issuing pension payment orders, will be required to observe the following time-schedule for the various processes leading to the authorisation and payment of pension and gratuity. The Government's intention is that while the preliminary and preparatory work should be commenced sufficiently in advance and adequate time allowed for the various stage and processes of work, these should not be allowed to be unduly prolonged or to become interminable; to obviate this, firm cut off dates are prescribed for each stage such that when a cut-off date is reached the work will then necessarily proceed to the next stage.

- (i) The Head of Office or other authority responsible for preparing the pension papers will initiate the pension case two years before the date of retirement of the Government servant. At this stage, the work will be essentially that of assembling the information necessary for working out the qualifying service (or, at a later date, the calculation of average emoluments). As most delays in pension cases arise from gaps, deficiencies and imperfections in the service book records every effort should be made at this stage to remove these while at the same time keeping in mind that what is intended is not a total overhaul or audit of the entire service book or records, but only a scrutiny limited to the immediate purpose on hand, namely the preparation of the pension papers. This process should be completed in good time and at any rate not later than 8 months in advance of the date of retirement of the Government servant.
- (ii) On reaching that stage i.e., 8 months before the retirement date, the actual work of preparation of pension papers viz. the reckoning the qualifying service and the calculation of average emoluments, should be taken up. Any deficiency or imperfection or omission which still remains in the service records will be ignored at this stage and the determination of the qualifying service will be proceeded on the basis of entries in the service records, whatever the degree of perfection to which it might have been possible to bring them by that time.
- (iii) The average emoluments will be determined with reference to emolument drawn during the last 10 complete months and not 36 months as was the practice here-to-from (while the period to be taken for average calculations has been reduced the other provisions of Rule 34 of the CCS(Pension) Rules, 1972, will continue to apply *mutatis mutandis*). This work involves not merely an arithmetical calculation of the average emoluments but also a check of the correctness of the emoluments on the first date of the ten-month period would naturally depend on the correctness of the emoluments prior to this date. However, any such check of the correctness of past emoluments, whether in the office preparing the pension papers or later in the office, responsible for issuing the pension payment order, should not become an occasion for an extensive examination going back into the distant past; the check should be the minimum which is absolutely necessary, and it should in any case not go back to a period earlier than a maximum of 34 months preceding the date of retirement.
- (iv) The process of determining the qualifying service and the average emoluments

and the admissible pension and gratuity should be positively completed within a period of 2 months, and the pension paper should be sent to the one responsible for issuing the pension payment order not later than 6 months before the date of retirement. That office will, after the necessary scrutiny of the papers (limited to the immediate purpose on hand as mentioned in subparagraph (a) and (c) above issue the pension payment order including the order for the payment of the death-cum-retirement gratuity) not later than 1 month in advance of date of retirement.

- (v) The time-schedule and procedures, mentioned above will equally apply mutatis mutandis to those cases in which the office which is to issue the Pension Payment Order has also the responsibility for the preparation of pension papers.
- (vi) In those cases in which the retirement of a Government servant takes place earlier than the normal date of compulsory retirement either in pursuance of the provisions of FR 56(i) or (k) (and the corresponding provision in the CCS(Pension) Rules, 1972, or because of the deemed retirement in terms of Rule 37 of the CCS(Pension) Rules, 1972 on the grounds of permanent absorption in a public sector undertaking, autonomous bodies, the nature of the retirement would preclude advance action in regard to the pension case. In such case too, the pension case would have to be processed very expeditiously and instructions in this regard will be issued separately.

2. Extraordinary Leave and Suspension

(a) Under Rule 21 of the CCS(Pension) Rules, 1972, extraordinary leave granted on medical certificate qualifies for pension. The appointing authority may, at the time of granting extraordinary leave. Also allow the period of such leave to count as qualifying for pension if the leave is granted to a Government servant;

- (i) due to his inability to join or rejoin the duty on account of civil commotion, or
- (ii) for prosecution higher technical and scientific studies, extraordinary leave taken on other grounds is treated as non-qualifying, and, therefore, a definite entry in the service book being qualifying or otherwise is required to be made simultaneously with the event. Even where this is not done, it should still be possible to rectify the omission during the period allowed for preparatory action i.e. from two years in advance of the retirement date upto eight months before retirement. At the end of that period however(i.e. when the actual preparation of the pension papers is taken in hand as laid down in paragraph 2(b) above) no further inquiry into past events or check of past records should be undertaken. Specific entries in the service records regarding non-qualifying periods will be taken note of and such periods excluded from the service. All spells of extraordinary leave not covered by such specific entries will be deemed to be qualifying service.

(b) Similarly, Rule 23 of the CCS(Pension) Rules, 1972 requires that in cases other than those in which suspension has been held to be wholly unjustified the competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in the service book/records will be taken note of at the time of reckoning qualifying service. In the absence of the specific entry, period of suspension shall be taken as counting towards the qualifying service.

3. Break in Service

In the absence of a specific indication to the contrary in the service records, an interruption between two spells of service rendered under the Central Government including service aid out of Defence Services Estimates or Railways Estimates will be treated as automatically condoned and the pre-interruption service treated as qualifying service for pension, except where it is otherwise known that the interruption was caused by resignation, dismissal or removal from service or participation in a strike. The period of interruption itself will under no circumstances reckoned as qualifying service for pension.

4. Deputation/Foreign Service

(a) There are some cases in which, in accordance with the terms of deputation/foreign service, it is the responsibility and liability of the Government servant himself to maintain pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made before the period of foreign service is reckoned as qualifying service. However, the Government servant is sometimes put to considerable difficulty because of defective or incomplete record maintenance by the administrative/accounts offices. In such case while he could be reasonably asked to show that he had indeed made the contributions, the administrative authority should show a spirit of reasonableness and a accommodation in evaluating and accepting such evidence as he is able to put forward, and not insist rigidly on formal proof.

(b) Where, however, the responsibility for making pension contributions is that of the borrowing organisation and where either some of the contributions have not been recovered or the records in respect of the recoveries of such contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action this should have no bearing on the processing and finalisation of pension papers.

5. Administrative sanction to pension and the concept of approved service

(a) It has been noticed that the submission of pension papers to the Head of the Department or Appointing Authority for administrative sanction to pension with reference to a concept of approved service though this is largely a formality in the vast majority of cases, nevertheless leads to a good deal of delay in the finalisation of pension cases, it has, therefore, been decided that the requirement of an administrative sanction to pension which is referred to in a number of places in the CCS(Pension) Rules, should be dispensed with the determination of pension will thereafter be merely a matter of calculation in accordance with the rules and the pension papers need not be submitted to the Head of the Department or the Appointing Authority.

(b) However, the intention behind the provisions in Rule 6 of the CCS(Pension) Rules, under which less than the full admissible quantum of pension/gratuity can be granted after a summary procedure in a particular case on the grounds of unsatisfactory service or conduct, is not proposed to be given up. Recourse to this provision will, obviously be had only in exceptional cases and for this purpose it is not considered necessary to submit all pension cases to the Head of the Department or the Appointing Authority or subject them to a process of administrative sanction. Instead, at the time when the preparation of pension papers is taken up, i.e. 8 months prior to the retirement date, the Head of the Office should address a separate inquiry to the Appointing Authority whether there is any intention to grant less than full pension or to institute any proceedings. (The pension papers need not be sent to that authority for this purpose). In the absence of a reply to this inquiry, the authority preparing the pension papers should assume that there is no intention to grant less than full pension/gratuity and should process the pension paper accordingly so as to transmit them

by the prescribed deadline to the authority responsible for issuing the pension payment order. If, on the other hand, the appointing authority does decide that there is a case for granting less than the full admissible pension/gratuity the procedure laid down in Rule 6 of the CCS(Pension) Rules, 1972 should be followed, and this process should be positively completed before the deadline for sending the pension papers to the authority responsible for issuing the pension payment order is reached i.e., earlier than 6 months prior to the retirement date.

(c) Where the responsibility for preparing the pension papers rests with an authority other than the Head of the Office concerned, it shall be the responsibility of the Head of the Office(or that of the next higher authority, where the pension case is that of the Head of the Office himself) to ascertain in advance from the appointing authority and communicate to the authority responsible for preparing the pension papers any intention to grant less than the full admissible pension/gratuity, not later than 6 months prior to the retirement date. Where no such intimation has been received the authority responsible for preparing pension papers will process the pension case on the assumption that full admissible pension and gratuity may be granted.

6. Right to withhold or withdraw pension

(a) Nothing contained in para 6 above is intended to affect the provisions of the CCS(Pension) Rules, 1972 which provide for the withholding or withdrawing of pension.

(b) Where departmental or judicial proceedings instituted during the service of the Government servant are not likely to be finalised by the date of retirement, action to grant provisional pension in terms of Rule 65 or Rule 74 of the CCS(Pension) Rules, 1972, should be taken so that the retiring Government servant not be put to undue hardship. The provisions of paragraph 8(c) below will not apply to provisional pension granted in terms of Rules 65 or Rule 74 of the CCS(Pension) Rules, 1972.

(c) If, after the pension papers have been forwarded to the office responsible for issuing the Pension Payment Order in accordance with the provisions of paragraph 2(d) above, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the office responsible for issuing the Pension and Gratuity Payment Orders.

7. Payment of Provisional Pension and Gratuity

(a) The time table laid down in paragraph 2 above is intended to be followed strictly. If however, for any special reasons it has not been found possible to complete and forward the pension papers to the office responsible for issuing the Pension payment Orders within the prescribed time schedule in a particular case, or if the pension papers have been sent late to that office and/or that office has either returned the papers to the Head of Office for eliciting further information or has not been able to issue the Pension Payment Order before one month prior to the date of retirement of the Government servant, steps shall be taken by the Head of Office to authorise the payment of provisional pension and gratuity by the first of the month in which it is due. For this purpose, such information as is available in the official records may be used, and further, the Head of Office should ask the retiring Government servant, for a simple statement giving his total length of service(from the date of joining duty to the date of retirement indicating the period of breaks, if any) and also the emoluments during the last ten months of service. The retiring Government servant may also be asked to certify that the facts stated by him are correct to the best of his knowledge and belief. If complete information in regard to the emoluments drawn during the last ten months is not available either with the Head of Office or with the Government servant, the emoluments last drawn should be taken provisionally as average emoluments. The Head of Office shall

sanction 100% of the pension calculated with reference to the information so obtained as a provisional pension. The death-cum-retirement-gratuity should similarly be determined. The provisional pension and gratuity will be drawn and disbursed by the Head of Office in respect of non-gazetted Government servants. Before disbursing the provisional gratuity, all known dues such as long term advances still outstanding, over-payment of pay and allowances etc. and other recoveries due, shall be adjusted. Where no such adjustments are due, a deduction of 10% of the gratuity of Rs.1,000/- whichever is less, shall be made partly for adjustment in the light of the final determination of the gratuity.

(b) At present, in respect of gazetted Government servants it is the Accounts Office which issues an Anticipatory Pension Payment Order where the final pension has not been determined. In modification of this it has been decided that in these cases too, if the final pension payment order has not been issued by the Accounts Officer one month before the retirement date, the Government servants may ask the Head of Office for the drawal and disbursement of a provisional pension and gratuity. For this purpose, the procedure laid down in clause(a) will equally apply.

(c) Provisional Pension to become final after six months - The provisional pension is not intended to be continued on provisional basis beyond a period of six months from the date of retirement. If the office responsible for issuing the Pension Payment Order has not finalised the pension case by that time, the provisional pension shall be deemed to have become final and it will be obligatory for the office concerned to issue the final Pension Payment Order for the amount of pension and gratuity already calculated on a provisional basis: and the deduction made from the gratuity as per sub-paragraph (a) above shall also be released subject to the provisions of paragraphs 9 and 10 below.

8. Last Pay Certificate

The issue of a Last Pay Certificate should not be insisted upon before the payment of provisional pension. During the period of six months after retirement which has been provided for various purposes above, it should be possible for the Head of Office or other office concerned to issue the Last Pay Certificate to a Government servant. In cases in which the Last Pay Certificate has not been issued by the time the formal Pension/Gratuity Payment Orders are received(whether this happens prior to the retirement of the Government servant as per paragraph 2(d) above, or after his retirement and after the grant of a provisional pension), the Gratuity Payment Order will in any case include a provision for the withholding 10% of the gratuity of Rs.1,000/- whichever is less, pending the production of the Last Pay Certificate.

9 Adjustment of Government dues

(a) Dues pertaining to Government accommodation - The existing procedures for the issue of No Demand Certificates by the Directorate of Estates and the adjusted dues pertaining to the continued occupation of Government accommodation after retirement will for the present continue.

(b) Dues other than those pertaining to Government accommodation – In respect of other Government dues steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up two years prior to the retirement date. As the next stage of the actual preparation of pension papers is reached only after a year and four months, there is ample time for ascertaining all kinds of Government dues. Once this stage is reached, i.e. eight months before the retirement of the Government servant, any further probing of records for recoveries due shall cover only a limited period i.e., not more than two years before the date of retirement. It should thus be quite possible for the Head of Office, or the office which is to issue the Pension Payment Order, as the case may

be, to ascertain or assess all the dues, particularly those pertaining to long-term advances such as house building or conveyance advances, over payments of pay and allowances, and such other dues, prior to the prescribed deadline for the issue of the Pension Payment/Gratuity Payment Orders or the Provisional pension/gratuity order. The pension papers should clearly indicate the total amount of outstanding dues which should be recovered out of the death-cum-retirement-gratuity before authority for the payment of gratuity(whether final or provisional) is issued, and if, after the pension papers have been transmitted to the office responsible for issuing the Pension Payment Order, additional recoveries to be made from the gratuity come to notice, the fact shall be promptly reported to that office. In a case where no major recoveries are due, 10% of the gratuity of Rs.1,000/- has been withheld because there might be unassessed Government dues, or because the gratuity has been provisionally paid as per paragraph 9(a) above, or because Last Pay Certificate has not been received(see paragraph 9 above), the withheld amount shall automatically become payable on the expiry of the six months after retirement. The Head of Office(or the office issuing the pension and gratuity payment orders) shall indicate in the orders granting a provisional gratuity(or the final Gratuity Payment Order) itself the amount shall be released by the office disbursing the pension without further instructions on the expiry of the period of six months from the date of retirement, unless instructions for the recovery of a specified sums from the withheld amount are issued within the aforesaid period.

10. Accountability of officers charged with the maintenance of records - In taking the above decisions, Government have preceded on the basis that in spite of every effort imperfections may remain in the records and procedures but that it would be unfair to a retiring Government servant if he had to suffer because of the lapses of those responsible for the proper maintenance of service records. The fact that under the new procedures the presumption will be in favour of the Government servant if the records are incomplete or deficient in any manner underlines the importance of ensuring the proper, regular and timely completion of all the service and accounts records by the offices concerned, so as to minimise the occasion for making such presumptions. It has accordingly been decided that if, in future service records are found to be incomplete or imperfect at the time of processing and finalising pension case, those cases will not be delayed but the officials responsible for the maintenance of the records will be held accountable for any deficiencies, failure or omissions therein, and action will be initiated against them. The Heads of Department will ensure that these directions are complied with.

In supersession of Department of Personnel & AR letters No.25011/9/79-AIS(II), dated the 5th September, 1979 and 11th November, 1980, it has been decided to lay down the following procedure for preparation of pension papers and issue of pension payment orders in the case of IAS and IPS officers borne on the Union Territories Cadre:-

- (i) Officers retiring from service while working under Union Territory Administrations – The Union Territory Administration concerned will prepare pension papers and the Accounts Officer accredited to the UT Administration will issue the pension payment order.
- (ii) Officers retiring from service while on deputation to Central Ministries/Departments – The borrowing Ministry/Department of the Government of India will prepare the pension papers and the Accounts Officer accredited to them will issue the pension payment order.
- (iii) officers retiring from service while on foreign service or inter-cadre deputation to a State Government – The Delhi Administration will prepare the pension papers and the PAO No. VI Tiz Hazari under the Controller of Accounts, Delhi

Administration, will issue the pension payment order.

2. In so far as members of Indian Forest Service borne on the Union Territories Cadre are concerned, instructions will be issued separately.

[D/P&AR letter No.25011/4/83-AIS(III), dated the 11th July, 1984]

MISCELLANEOUS GOVERNMENT OF INDIA'S DECISIONS

1. ***The Government of India have decided that, in regard to matters specified in sub-rule (4), the procedure contained in Part X of the Civil Services Regulations, et se will apply.***

[G.I.MHA letter No.20/10/61-AIS(II) dated the 21st February, 1961]

2. ***that members of AIS non-Asiatic domicile cannot be permitted to draw pension in sterling:*** - It was decided that members of AIS non-Asiatic domicile cannot be permitted to draw pension in sterling. They will have to make their own arrangements for remittance of pension through normal banking channels.

[G.I. MHA F.No.29/36/62-AIS(II)]

3. ***State Governments, instead of invoking Article 282 may, in individual cases make recommendations to the Government of India for relaxation of DCRB Rules for sanction of ex-gratia grants:*** - Instances have come to the notice of the Government of India when State Government in exercise of their extraordinary powers in terms of Article 282 of the Constitution, sanctioned exgratia grants to the families of AIS officers dying in harness, the Attorney General of India and the Ministry of Law, who were consulted by the Government of India, opined that though the State Government were fully competent to determine "public purpose" within the meaning of Article 282 and their action is not justifiable but any grant excess of those provided by the rules would, serve an individual purpose and not a public purpose. It would, therefore, be advisable that the State Governments, instead of invoking Article 282 may, in individual cases make recommendations to the Government of India for relaxation of DCRB Rules.

[G.I. MHA F.No.29/52/60-AIS(II) and No.29/30/62-AIS(III)]

4. ***When a moS completes 20 years of service, the Audit Officer shall verify the service rendered by him in accordance with the rules in force at that time and determine the qualifying service rendered by him and communicate the same to the officer concerned:-*** A clarification has been sought whether or not the provisions contained in Rule 32 of Central Civil Service(Pension) Rules, 1972, which lays down that when Government servant completes 25 years of service, his service should be verified and the result of the verification should be communicated to him, has been extended to All India Services. Sub-rule(4) of Rule 28 of All India Services(DCRB) Rules, 1958 provides that the sanction and payment of retirement benefits to a member of an All India Service shall be regulated by such procedural instructions as may be issued by the Central Government. In pursuance of this rule, the Central Government have decided that when a member of an All India Service completes 20 years of service, the Audit Officer shall verify the service rendered by him in accordance with the rules in force at that time and determine the qualifying service rendered by him and communicate the same to the officer concerned. This verification is subject to final verification of qualifying service which shall be made, if

found necessary, at the time of retirement of a member of the Service.

[DP&AR letter No.25011/48/78-AIS(II), dated the 6th November, 1978]

5. The Central Government have decided that the simplified procedure laid down in the Ministry of Finance OM No.11(3)-EV(A)76, dated the 28th February, 1976 (Annexure A) and No.11(3)-EV(A)76, dated the 6th May, 1976(Annexure B) for the calculation of retirement benefits in the case of Central Government servants apply mutatis mutandis to the members of All India Services.

[DP&AR File No.11023/4/76-AIS(II)]6
