

No. 38/37/16-P&PW(A)
Government of India
Ministry of Personnel Public Grievances and Pensions
Department of Pension and Pensioners Welfare

Lok Nayak Bhawan, Khan Market,
New Delhi - 110003,
Dated 12.06.2020

OFFICE MEMORANDUM

Sub: Regulation of pension and other retirement benefits of Government servants who were on Extraordinary leave/unauthorized absence/suspension as on 1.1.2016 and retired/died thereafter without joining duty.

The undersigned is directed to say that in accordance with Rule 33 of the CCS (Pension) Rules, for calculation of pension, the expression 'emoluments' means basic 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. In accordance with Note 3 under this rule, if a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this rule.

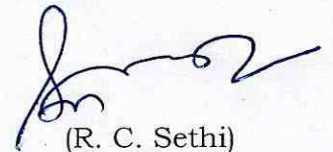
2. Doubts have been raised in regard to the manner in which the pension and other retirement benefits of Government servants, who were on extraordinary leave/unauthorized absence/suspension as on 1.1.2016 and retired/died thereafter without joining duty, would be regulated. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure) and the following clarifications are issued:

Category of Government servant	Manner in which pension and other pensionary benefits are to be regulated
Government servant, who was on extraordinary leave/unauthorized absence the period whereof does not count as qualifying service - as on 1.1.2016 and retired/died thereafter without joining duty	<p>In accordance with Rule 33 of CCS(Pension) Rules, 1972, the basic pay which he drew immediately before proceedings on such leave shall be the emoluments for the purpose of pension. The pension/family pension thus calculated will be revised in the accordance with the instructions contained in the Department's O.M. No. 38/37/16-P&PW(A) dated 12.05.2017 read with O.M. No. 38/37/16-P&PW(A)(ii) dated 04.08.2016 and will be paid to the pensioner/family pensioner from the date it becomes due.</p> <p>For the purpose of gratuity, the emoluments shall also include Dearness Allowance (as per 6th CPC) admissible on the date of retirement/death of the Government servant.</p> <p>The Pension/family pension/commutation of pension and gratuity will be regulated in accordance with the rules/instructions applicable before 1.1.2016</p>
Government servant, who was	The pay of such a Government servant will be notionally

<p>on extraordinary leave - the period whereof counts as qualifying service - as on 1.1.2016 and retired/died thereafter without joining duty.</p>	<p>revised w.e.f. 1.1.2016 and this notionally revised basic pay will be reckoned as emoluments for the purpose of pension. For the purpose of gratuity, the emoluments shall also include Dearness Allowance (as per 7th CPC) admissible on the date of retirement/death of the Government Servant. His pension/family pension, commutation of pension and gratuity will be regulated in accordance with the instructions contained in this Department's O.M. No. 38/37/16-P&PW(A) dated 12.05.2017 read with O.M. No 38/37/16-P&PW(A)(i) dated 04.08.2016 and will be paid to the pensioner/family pensioner from the date it becomes due.</p>
<p>Government servant, who was under suspension as on 1.1.2016 and retired thereafter without joining duty.</p>	<p>Such a Government servant, on retirement, is entitled to only provisional pension. The emoluments which he drew immediately before suspension shall be the emoluments for the purpose of provisional pension. This provisional pension will be revised in accordance with Department's O.M. No. 38/49/16-P&PW(A) dated 12.02.2018. The provisional pension will be reviewed / regularized on conclusion of the departmental/judicial proceedings and issue of final orders thereon.</p>

3. These orders issue with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 1(23)/EV/2019 dated 05.02.2020.

4. In their application to the employees of Indian Audit and Accounts Department, the orders are issued under Article 148(5), of the Constitution with the concurrence of the Comptroller and Auditor General of India.



(R. C. Sethi)

Under Secretary to the Government of India

To,

1. All Ministries/Departments.
2. CGA/CAG/CPAO.
3. As per standard mailing list.
4. NIC for uploading on Department's website.