

Rules 5, 7 to 12 of the CCS (Pension) Rules, 1972

(As on the DPPW website-14.11.2019)

5. Regulation of claims to pension or family pension

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

¹(2) The day on which a Government servant retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall also be treated as a working day :

²Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under Clauses (j) to (m) of Rule 56 of the Fundamental Rules or Rule 48 ³[or [Rule 48-A](#)], as the case may be, the date of retirement shall be treated as a non-working day.

Footnote ; 1. Substituted by G.I., M.F., Notification No. 7 (1)-E. V. (A)/74, dated the 7th February, 1975.

2. Inserted by G.I., M.F., Notification No. 7 (8)-E. V. (A)/77, dated the 22nd August, 1977.

3. Inserted by G.I., Dept. of Per. & A.R., Notification No. 31 (4)-Pen./80, dated the 21st April, 1981.

5. GOVERNMENT OF INDIA'S DECISION

Day of death of an official on EXOL/EL on MC, to be treated as a part of leave

Day of death of an official on EXOL/EL on MC, to be treated as a part of leave. - In a particular case, the Director of Accounts (Postal), Madras, made a reference for clarification whether the day of death of an official who is on EXOL/EL on MC can be treated as a working day where the disbursing officer has drawn the full duty pay and allowances for the day of death by quoting [Rule 5 \(2\)](#) of CCS (Pension) Rules, 1972, as per which the day of death shall be treated as a "working day".

The Department of Personnel and Training have been consulted and the advice given by them is reproduced below for information and reference.

"In the case under reference, the Government servant immediately before his death while in service had been absent from duty on extraordinary leave on medical grounds. It cannot be presumed that had he not died, he would have reported for duty. For resuming duty he was required to submit medical fitness certificate which it appears had not been issued in his favour. A medically unfit person cannot be treated as on duty. As such in the instant case, the day of death of the Government servant has to be treated as a part of leave which he was availing of on the day previous to the day of death."

[G.I., Dept. of Posts, Lr. No. 4-14/93-Pen., dated the 24th August, 1993.]

6. Omitted vide Notification No. 11(6)-E.V(A)/Pen/76 dated 3-3-1980

7. Limitations on number of pensions

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

(2) Except as provided in [Rule 19](#), a Government servant who, having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

8. Pension subject to future good conduct

(1)	(a)	Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.
	² (b)	The appointing authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct. Footnote 2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (A), Pen.(A)/79, dated the 19th May, 1980.

³Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of ⁴[rupees three hundred and seventy-five] per mensem.

Footnote 3. Inserted by G.I., Dept. of Per. & A.R., Notification No. F. 38 (4) Pen. (A)/80, dated the 8th August, 1980.

4. Substituted by G.I., Dept. of P. P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, date the 6th August, 1988.

(2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall before passing an order under sub-rule (1),

(a)	serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the ¹ [appointing authority] such representation as he may wish to make against the proposal; and
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	Footnote : 1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (A), Per. (A)/79, dated the 19th May, 1980.
(b)	take into consideration the representation, if any, submitted by the pensioner under Clause (a).

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

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

EXPLANATION. - In this rule, -

(a)	the expression `serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);
(b)	the expression `grave misconduct' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

8. GOVERNMENT OF INDIA'S DECISIONS

Stoppage or reduction of pension for reasons other than misconduct not permissible Intimation of cases of convicted pensioners

(1) Stoppage or reduction of pension for reasons other than misconduct not permissible. - Pension are not in the nature of reward but there is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned, its continuance depends on future good conduct vide Article 351, CSR [[Rule 8](#), CCS (Pension) Rules, 1972] but it cannot be stopped or reduced for other reasons.

[G.I., M.F., U.O. No. D-2776/E, V/52, dated the 8th May, 1959.]

(2) Intimation of cases of convicted pensioners. - Under Article 351, CSR [[Rule 8](#), CCS (Pension) Rules, 1972] future good conduct is an implied condition of the grant of every pension and Government has the right to withhold or withdraw a pension or any part of it if the pensioner is convicted of a serious crime or found guilty of grave misconduct. It is, therefore, necessary to ensure that cases where pensioners are convicted by a Court of any crime are also brought to the notice of Government. The Government of India, Ministry of Home Affairs, therefore, request that if the State Government have no objection, instructions may kindly be issued to prosecuting officers under the control of the State Government to ensure the prompt intimation of such cases to the administrative authorities concerned in future.

[G.I., M.H.A., O.M. No. 50/2/59-Ests. (A), dated the 7th October, 1959.]

9. Right of President to withhold or withdraw pension

¹[(1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement :

Footnote : 1. Substituted by G.I., Dept. of P. & P.W., Notification No. 7/14/90-P. & P.W. (F), dated the 23rd August, 1991, published as S.O. No. 2287 in the Gazette of India, dated the 7th September, 1991.

Provided that the Union Public Service Commission shall be consulted before any final orders are passed :

Provided further that where a part of pension is withheld or withdrawn the amount of such pensions shall not be reduced below the amount of rupees three hundred and seventy-five per mensem.]

(2)	(a)	The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service :
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Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

	(b)	The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his re-employment, -
	(i)	shall not be instituted save with the sanction of the President,
	(ii)	shall not be in respect of any event which took place more than four years before such institution, and
	(iii)	shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) ¹omitted

Footnote : 1. Deleted by G.I., Dept. of P. & P.W., Notification No. 38/189/88-P. & P.W. (F), dated the 4th February, 1992, published as G.S.R. 55 in the Gazette of India, dated the 15th February, 1992.

(4) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in ²[[Rule 69](#)] shall be sanctioned.

Footnote : 2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6(1), Pen. (A)/79, dated the 19th May, 1980.

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

(6) For the purpose of this rule, -

(a)	departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date ; and
(b)	judicial proceedings shall be deemed to be instituted -
(i)	in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made, and
(ii)	in the case of civil proceedings, on the date the plaint is presented in the court.

9. GOVERNMENT OF INDIA'S DECISIONS

[Scope of the expression 'grave misconduct'](#)

[President's right to withhold or withdraw pension in full is absolute](#)

[Final order under Rule 9 will be issued in the name of President](#)

[When full-fledged enquiry is held no further opportunity to show-cause necessary before imposing cut in pension](#)

[Standard forms for proceedings](#)

[Minor penalty proceedings have no effect on pension](#)

[Disciplinary authority who instituted proceedings can drop them without submitting its findings to the President](#)

[Disciplinary proceedings can continue after retirement even in case where there is no pecuniary loss to Government](#)

(1) **Scope of the expression 'grave misconduct'**. - The term 'grave misconduct' used in Article 351-A of CSR [[Rule 9](#), CCS (Pension) Rules, 1972] is wide enough to include 'corrupt practices'. In cases where the charge of corruption is proved after pension has been sanctioned, action to withhold or withdraw pension may be taken under Article 351-A ibid [[Rule 9](#), CCS (Pension) Rules, 1972].

The property or pecuniary resources in respect of which the departmental or judicial proceedings are instituted under Article 351-A, CSR or Rule 9 of the CCS (Pension) Rules, 1972, should have been in possession of the person concerned or of any other person on his behalf at any time within the period of four years before the institution of such proceedings, if the same were not instituted while the officer was on duty either before his retirement or during re-employment.

[G.I., M.F., O.M. No. F. 5 (75)-E. V/59, dated the 28th August, 1959 and the 6th October, 1960 and No. 5 (4)-E. V (A)/78, dated the 28th June, 1978.]

Instructions contained above issued with reference to Article 351-A of CSR will continue to apply in relation to action under [Rule 9](#) of the CCS (Pension) Rules, 1972, which has replaced Article 351-A of CSR subject to modification made.

[G.I., M.F., O.M. No. 5 (4)-E, V (A)/78, dated the 28th June, 1978.]

(2) President's right to withhold or withdraw pension in full is absolute - There is nothing in the language of Article 351-A ([Rule 9](#)) to restrict the right of the President to withholding only a part of the pension in the case dealt with by this provision. On the other hand, the words "withholding or withdrawing a pension" clearly convey that the President is competent to withhold or withdraw the full pension. While to "restrict the amount of withheld pension to one-third of the pension originally sanctioned" in the order may be applied under the new Article in cases where the order is for recovery of losses from pension, it has no bearing on the question of Government's right to withhold or withdraw the pension and Government may order the full pension to be withheld or withdrawn.

[G.I., M.F., U.O. No. 2497/63-Adv. (B), dated the 21st May, 1960, in File No. 37 F. (4)-E. V/60.]

(3) Final order under Rule 9 will be issued in the name of President. - It has been clarified in consultation with the Ministry of Home Affairs and the Law Ministry that the function of the Disciplinary Authority is only to reach a finding on the charges and to submit a report recording its findings to the Government. It is then for the Government to consider the findings and take a final decision under Article 351-A, CSRs ([Rule 9](#)). In case Government decide to take action under Article 351-A, CSRs ([Rule 9](#)), in the light of the findings of the Disciplinary Authority, the Government will consult the Union Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order, necessary orders will be issued in the name of the President.

2. The procedure outlined in the preceding paragraph will also apply to a case where the President functions as the Disciplinary Authority.

[G.I., M.F., O.M. No. F. 19 (9)-E. V/66, dated the 6th June, 1967.]

(4) When full-fledged enquiry is held no further opportunity to show-cause necessary before imposing cut in pension. - The question whether a second show-cause notice is necessary before taking action under [Rule 9](#) of the CCS (Pension) Rules, 1972, when a full-fledged enquiry under the CCS (CCA) Rules, was conducted and the person concerned was given an opportunity to show cause in the proceedings, was examined in consultation with

the Department of legal Affairs and it has been decided that if a full-fledged enquiry in accordance with the CCS (CCA) Rules has been conducted and the person concerned has been given an opportunity to show cause in the proceedings, it is not necessary to give the pensioner concerned any further opportunity to show cause before imposing the cut in pension.

[G.I., Dept. of P. & P.W., O.M. No. 38/31/86-P. & P.W., dated the 1st January, 1987.]

(5) Standard forms for proceedings. - The following forms have been standardized in consultation with the Ministry of Law :-

	(i)	Order conveying the sanction of the President for taking departmental action against a pensioner under Rule 9 of CCS (Pension) Rules, 1972; and
	(ii)	Memorandum of charges, etc., to be communicated to the pensioner concerned in a departmental action under Rule 9 of CCS (Pension) Rules, 1972.

In cases of departmental proceeding against retired Government servants under [Rule 9](#) of CCS (Pension) Rules, 1972, the sanction of the President and the memorandum of charges may be issued in the standard forms.

[G.I., M.H.A., O.M. No. 238/4/66-AVD-II, dated the 4th August, 1964.]

I
STANDARD FORM OF SANCTION UNDER [Rule 9](#) OF THE
CENTRAL CIVIL SERVICES (PENSION) RULES, 1972

	No..... Government of India Ministry/Department of.....
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ORDER

	Dated the.....
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WHEREAS it has been made to appear that Shri.....while serving as.....in the Ministry/Department.....from.....to.....was (here specify briefly the imputations of misconduct or misbehavior in respect of which it is proposed to institute departmental proceedings):

NOW, THEREFORE, in exercise of the powers conferred on him by sub-clause (i) of Clause (b) of sub-rule (2) of [Rule 9](#) of the Central Civil Services (Pension) Rules, 1972, the President hereby accords sanction to the departmental proceedings against the said Shri

The President further directs that the said departmental proceedings shall be conducted in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rules, 1965, by(here specify the authority by whom the departmental proceedings should be conducted) at (here specify the place at which the departmental proceedings would be conducted).

	By order and in the name of the President
	Name and designation of the competent authority* Footnote ; * - To be signed by an officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.
No. Copy forwarded to Shri..... Copy also forwarded to Shri.....	

II
STANDARD FORM OF CHARGE-SHEET FOR PROCEEDINGS UNDER RULE 9 OF THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972

	No..... Government of India Ministry/Department of.....
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MEMORANDUM

	Dated the.....
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In pursuance of the sanction accorded by the President under [Rule 9](#) of the Central Civil Services (Pension) Rules, 1972, for instituting departmental proceedings against Shri....., vide Ministry/Department of.....Order No....., dated,.....it is proposed to hold an inquiry against the said Shri..... in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rules, 1965. The enquiry shall be conducted by.....(here specify the authority by whom the departmental proceedings are to be conducted in accordance with the Presidential sanction) at (here specify the name of the place where proceedings are to be conducted).

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of

each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

3. Shri.....is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Shri.....is further informed that if he does not submit his written statement of defence on or before the date specified in para. 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 14 and 15 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said Rules the inquiring may hold the inquiry against him *ex parte*.

6. The receipt of this Memorandum may be acknowledged.

	By order and in the name of the President
	Name and designation of competent authority* Footnote ; * - To be signed by an officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.
To	
Shri.....	

ANNEXURE - I

Statement of articles of charge framed against Shri.....(names of the retired Government servant) formerly.....

Article - I

That the said Shri.....while functioning as.....during the period.....

Article - II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri.....

Article - III

That during the aforesaid period and while functioning in the aforesaid office, the said Shri.....

ANNEXURE - II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri..... (name of the retired Government servant) formerly.....

Article - I
Article - II
Article - III

ANNEXURE - III

List of documents by which the articles of charge framed against Shri.....(name of retired Government servant) formerly.....are proposed to be sustained.

ANNEXURE - IV

List of Witnesses by whom the articles of charge framed against Shri..... (name of the retired Government servant) formerly.....are proposed to be sustained.

(6) Minor penalty proceedings have no effect on pension. -

No.134/9/86-AVD.I
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

New Delhi dated the 31st July, 1987.

(AV SERIES CIRCULAR No.695)

OFFICE MEMORANDUM

Subject:- Minor Penalty proceedings initiated while in service-Question whether it is necessary to hold an oral inquiry for effecting a cut in pension as a result of-

This Department's Office Memorandum No.134/10/80-AVD.I, dated the 28th Feb, 1981 may be treated as cancelled.

2. It is clarified that, in terms of Rule 9 (2) (a) of the CCS (Pension) Rules, 1972, the Central Government has the power to withhold or withdraw pension even as a result of a minor penalty proceedings instituted while the charged officer was in service and which was continued after his retirement, provided grave misconduct or negligence is established.

3. The question whether the procedure followed in the conduct of a minor penalty proceedings would amount to affording a reasonable opportunity to the charged officer so as to impose the penalty of withholding or withdrawing his pension has also been considered. It is clarified that, even though there is no statutory requirements in Rule 9 (1) ibid for giving a show-cause notice, the principles of natural justice would have to be followed. This would require giving an opportunity to the pensioner to represent against the proposed penalty. It would, therefore, be necessary to issue a show-cause notice to the pensioner and to take his representation into consideration before obtaining the advice of the Union Public Service Commission and passing the final order. However, there is no need to issue a show-cause notice, where an oral inquiry, in which the Government servant/pensioner has had a reasonable opportunity to defend his case, was held.

4. It is, however, reiterated that it should be the endeavour of the disciplinary authority to see that a minor penalty proceeding instituted against a Government servant, who is due to retire, is finalised quickly and normally before his retirement so that the need for continuing such proceeding beyond the date of retirement does not arise.

Sd/-
(K.N.K. KARTHIAYANI)
DIRECTOR

To

All the Ministries/Depts. of the Government of India

(7) Disciplinary authority who instituted proceedings can drop them without submitting its findings to the President. - Under [Rule 9](#) (2) (a) of CCS(Pension Rules), 1972, the disciplinary proceedings instituted against an official during the course of his service automatically becomes Presidential proceedings after retirement of the official and the disciplinary authority, if it is subordinate to the President, is required to submit a report recording its findings to the President. A question has been raised whether the disciplinary authority which instituted the proceedings against the official before his retirement, can drop the proceedings itself after superannuation of the official without submitting its findings to the President, if it, on the basis of the defence of the official or the report of the inquiring authority, comes to the conclusion, to drop such proceedings. The issue was examined in consultation with the Department of Personnel who have advised that if the disciplinary authority comes to the conclusion that action under [Rule 9](#) of the Pension Rules, is not justified and that the proceedings should be dropped, it would be within the competence of the disciplinary authority to drop the proceedings, since the proceedings have been instituted by that authority. In such cases, therefore, there is no need to submit a report regarding the findings of the disciplinary authority to the President.

[D.G., P. & T., Letter No. 13/6/83-Vig. III, dated the 28th February, 1984.]

(8) Disciplinary proceedings can continue after retirement even in case where there is no pecuniary loss to Government. - The question whether disciplinary proceedings pertaining to a serious or grave act of misconduct/negligence committed by a Government servant can be continued or instituted in terms of [Rule 9](#) of CCS (Pension) Rules, 1972, or other corresponding rules, even if no pecuniary loss was caused to the Government, has been the subject-matter of a number of Court/Tribunal cases. Because of the fact that divergent views were expressed by different Courts and the Benches of the Central Administrative Tribunal, this issue was referred to a Full Bench of the Central Administrative Tribunal, in case of *Amarjit Singh v. Union of India* [Administrative Tribunal Reporter 1988 (2) CAT 637]. The Full Bench, after examining the matter at length, have held that institution/continuance of the proceedings is not dependent upon any pecuniary loss being occasioned to the Government. Even in the absence of any pecuniary loss, the pension of a pensioner can be withheld or withdrawn in whole or part, after following the prescribed procedure, for an act of misconduct/negligence committed while in service.

[G.I., Dept. of Per. & Trg., O.M. No. 28027/3/87-Estt. (A), dated the 29th June, 1990.]

10. Commercial employment after retirement

(1) If a pensioner who immediately before his retirement was a member of Central Service Group 'A' wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance ¹[by submitting an application in [Form 25](#)] :

Footnote 1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984 and takes effect from 1st December, 1984.

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

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

Footnote 2. Inserted by G.I., M.F., Notification No. F.5 (5)-E. V (A)/76, dated the 10th August, 1976.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984.

¹(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely :-

(a)	the nature of the employment proposed to be taken up and the antecedents of the employer;
(b)	whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;
(c)	whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer ;
(d)	whether the duties of the commercial employment proposed involve liaison or contact work with Government departments ;
(e)	whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage ;
(f)	the emoluments offered by the proposed employer ; and
(g)	any other relevant factor.

Footnote : 1. Inserted by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

(4) Omitted vide DOPT's Notification No. 27012/5/2000-ESSt(a) dated 30-1-2002 published as GSR 75(E) in Gazette India dated 1-2-2002.

¹(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit :

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

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

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

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

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

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

Footnote : 1. Inserted by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

²(8) In this rule, -

Footnote : 2 Renumbered by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

(a)	the expression " <i>commercial employment</i> " means :-	
	(i)	an employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled ³ [by the Central Government or a State Government] ; Footnote : 3 .Substituted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. F. 38/2/81-Pension Unit, dated the 30th April, 1981.
	(ii)	setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner -
	(A)	has no professional qualifications and the matters in respect or which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or
	(B)	has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or
	¹ [(C)	has to undertake work involving liaison or contact with the offices or officers of the Government.] Footnote : 1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

	² (iii)	[Omitted, vide Notification No. 6(2) - Pen(A)/79 dated 1-8-1980.] Footnote : 2. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.
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EXPLANATION. - For the purpose of this clause, the expression "*employment under a co-operative society*" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society;

	(b)	the expression "date of retirement", in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Group `A' post under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.
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NOTE : Govt. of India orders relating to this Rule will be put on website on receipt of information from Estt. Division of DOPT.

11. Restriction on practice in Income Tax and other cases after retirement

Text of this rule will be added on receipt of information from Estt. Division of DOPT. w.r.t. court orders.

12. Employment after retirement under a Government outside India -

If a pensioner, who immediately before his retirement was a member of Central Service, Group `A', wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the Central Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct :

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

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

GOVERNMENT OF INDIA'S DECISION

(1) Competent authority. - Requests for permission to accept the aforesaid employment (viz., employment after retirement under a Government outside India) shall be considered by the Ministry/Department under which the officer concerned served last prior to his retirement and a decision taken in consultation with the Ministry of External Affairs.

[Para. 6.2 of Chapter XXI, Handbook for Personnel Officers, published by Dept. of Per. and Trg. - 1987 Edition.]
