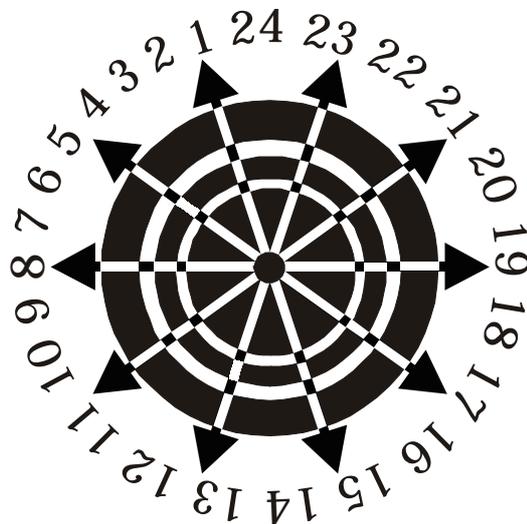

Pension Action Time

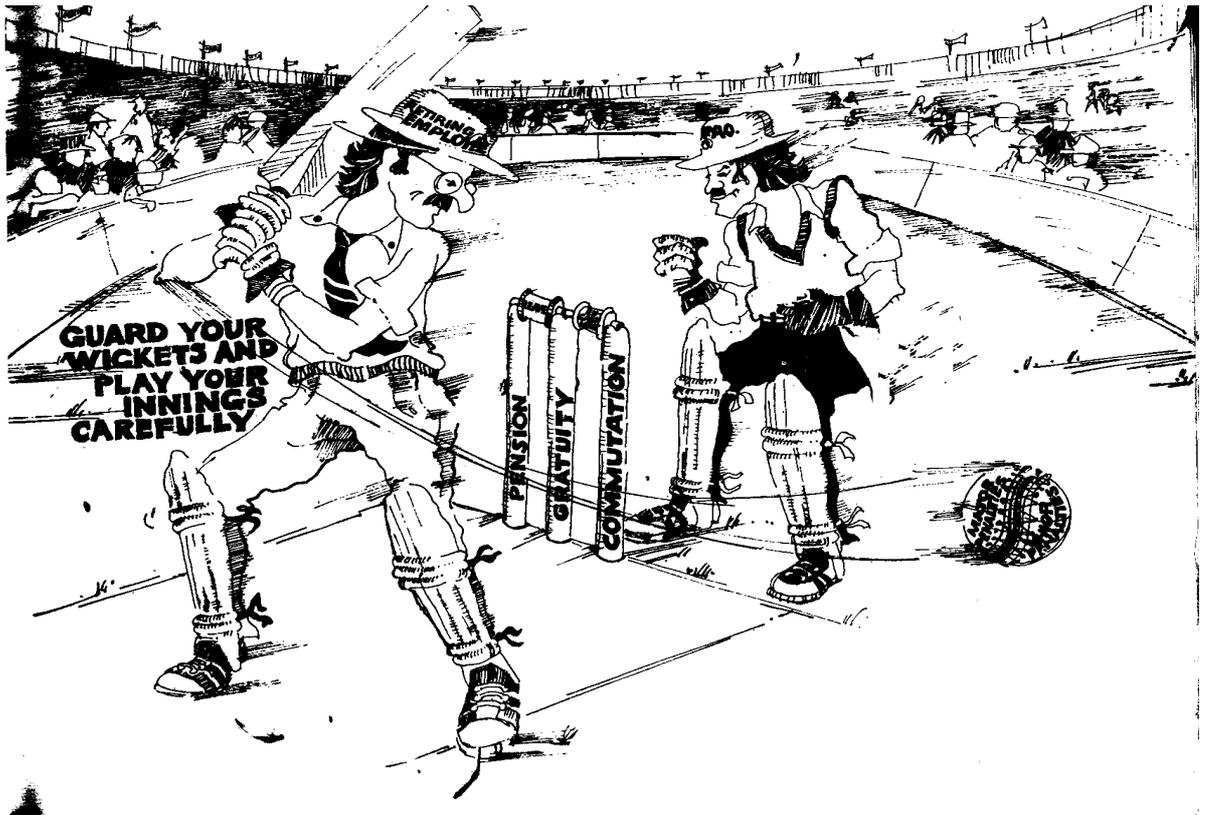
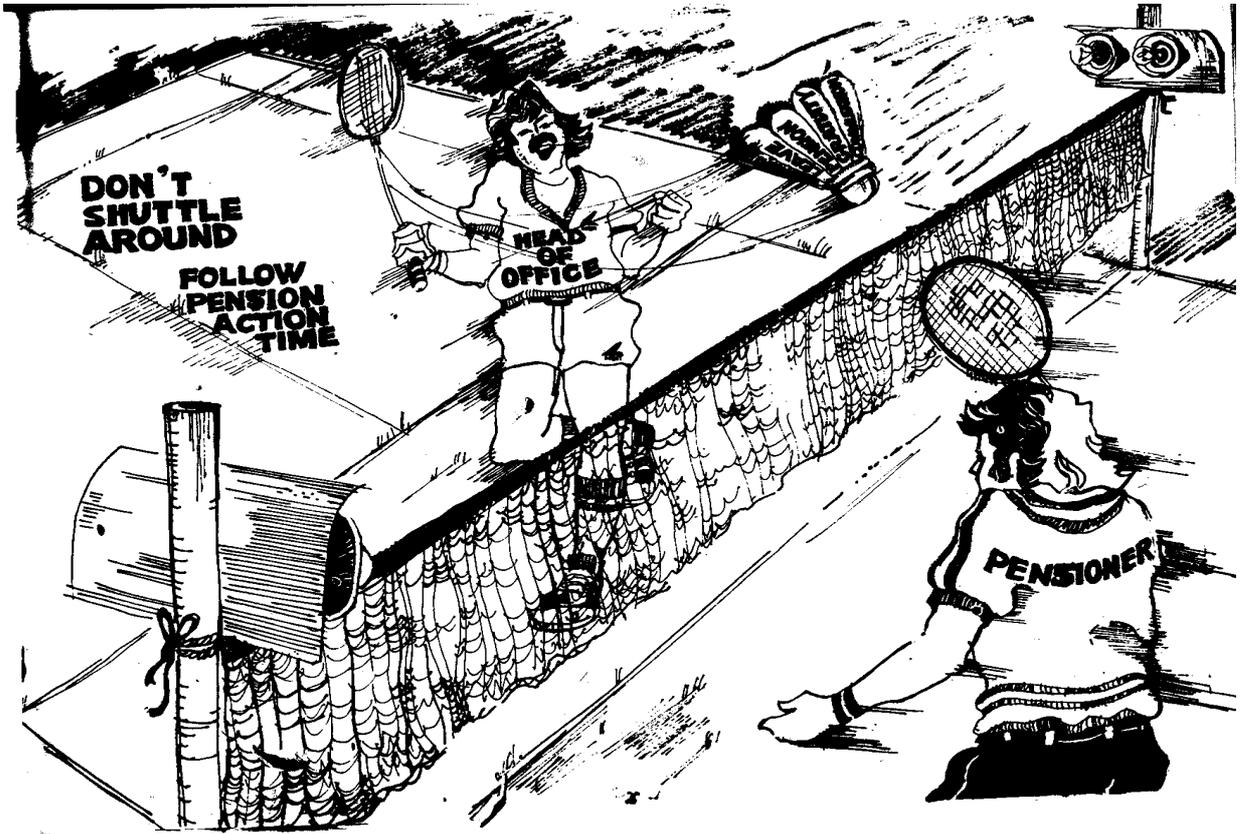
CONTROLLER OF ACCOUNTS
Principal Accounts Office
Government of NCT of Delhi

A-Block, Vikas Bhawan
New Delhi - 110 002

Pension Action Time



Controller of Accounts
Principal Accounts Office
Government of NCT of Delhi
A - Block, Vikas Bhawan
New Delhi - 110 002



FOREWORD

It is a privilege to introduce this useful booklet, which should be of immense help to serving and retired Government servants of GNCT of Delhi for receiving their pension and other retirement benefits well in time. Experience indicates that many Government employees need more knowledge about various provisions of Central Civil Service (Pension) Rules, 1972 which inter-alia deal with retirement benefits. Prompt settlement of Pension and other retirement benefits could be achieved only through timely action and a clear perception of the relevant Rules.

The aim of bringing out this useful informative booklet is to present in a comprehensive manner the Rules and Regulations concerning pensionary benefits so that it would serve as a general guide to enable speedy settlement of pensionary benefit cases.

I would like to express my appreciation to Shri C.M. Sharma, Controller of Accounts, Shri S.N. Shukla, Dy. Controller of Accounts, Shri Parkash Chand, Accounts Officer, Government of NCT of Delhi for their strenuous efforts and the valuable contribution made in bringing out this useful booklet.



(M. K. BEZBORUAH)

08.06.2004 PR. SECRETARY (FINANCE)

PREFACE

This booklet on timely settlement of pensionary benefits of a retiring Government servant is an attempt to fulfill our goal of making it a useful compendium of all round knowledge accommodating various provisions of CCS (Pension) Rules, 1972 in a comprehensive manner summing up the salient features of latest orders of Government of India. This booklet would be of immense help to the readers for prompt and expeditious settlement of pensionary benefit claims within the prescribed time limits eliminating the causes of unwanted delays and hardship to the retirees.

I thank and appreciate the persons who have put in their sincere efforts in bringing out this useful booklet. However, suggestions for the improvement of this booklet are always welcome.



(C.M. SHARMA)

08.06.2004 CONTROLLER OF ACCOUNTS

CHAPTER – I

Introduction

1. The C.C.S. (Pension) Rules, 1972 mainly codify the procedure for finalizing payment of pensionary benefits, which may become payable to the Government servant on his superannuation or family of the deceased Government servant .
2. The Govt. of India have from time to time simplified the procedure for processing the pension papers of the pensioners to ensure timely payments of pensionary entitlements to the retiring Government servant or the members of the family of the deceased Govt. servant; but it has been observed that the procedure so prescribed by the Govt. of India for the purpose is not followed strictly by the authorities concerned and as a result the payment of pension and other retirement benefits are delayed unnecessarily. This is perhaps for the following reasons:–
 - (i) The Heads of Offices who are mainly concerned with the processing of pension cases of their employees have not kept pace with the latest changes in Pension Rules. The cases are processed in a routine manner. Certain misconceptions persist amongst the various Heads of Offices & PAOs.
 - (ii) The Heads of Offices and PAOs are not in a position to observe the prescribed procedure and time schedules for certain Administrative reasons.

To overcome the situation, we propose to bring out the salient features of CCS (Pension) Rules 1972, which are mainly connected with the processing and finalization of pensionary benefit cases. This is only a guide and not an authoritative document to be quoted, unlike CCS (Pension) Rules, 1972. It is hoped that follow-up of pension cases as per the time schedule prescribed would help accelerate disposal of pension cases.

CHAPTER – II

Pension Action Time

Except Superannuation Pension, all other pensions are connected with some events. These pensions are admissible to a Govt. servant only when such an event occurs.

The Pension Rules provide a Time Schedule for the preparation of pension papers in respect of the Govt. servants who are due to retire on superannuation.

It has generally been observed that pension cases of the Govt. servants retiring on superannuation are not finalised by the Heads of Offices in time mainly for the following reasons:

- (i) Non-availability of Service Book.
- (ii) Omissions, imperfections or deficiencies in Service Book
- (iii) Non-completion of Service Book by the other departments.
- (iv) Non-availability of 'No Dues Certificate' from Estate Officer Govt. of India/PWD of GNCT of Delhi in respect of Govt. accommodation allotted to Govt.servant.
- (v) Non-adjustment of Govt. dues other than pertaining to the Govt. accommodation.
- (vi) Departmental or judicial proceedings pending against the retiring Govt. Servant

To deal with all these problems, the Govt. of India have simplified the procedure for the preparation of pension papers according to which every Head of Office should undertake the work of preparation of pension papers two years before the date on which the Govt. servant is due to retire on superannuation. This period of preparatory work of two years shall be divided in the following three stages:–

STAGE ONE

1. Verification of Service

- (i) The Head of Office shall go through Service Book of the Govt. servant and ensure himself that the periods of his entire service are recorded therein:

Rule 59(1)(a)(i)

- (ii) If there is any unverified portion of service, the same shall be verified with reference to Pay Bills etc. or other relevant records and necessary certificates to this effect will be recorded in the Service Book.

Rule 59(1)(a)(ii)

- (iii) If any unverified portion of Service has been rendered by the Govt. servant in another office or department, a reference shall be made to the Head of Office of the Department concerned for the purpose of verification.

Rule 59(1)(a)(iii)

- (iv) If any portion of service still remains unverified, the Govt. servant should be asked to file a written statement on plain paper stating that he had in fact rendered that period of service and shall, at the foot of the statement, make and subscribe to the declaration as to the truth of that

statement and shall in support of such declaration, produce all documentary evidences and furnish all information which is in his power to produce or furnish. The Head of Office, after taking into consideration the facts in the written statement and the evidences produced and the information furnished by that Govt. servant in respect of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Govt. servant.

Rule 59(1)(a)(iv)&(v)

STAGE TWO

2. Making good omissions in the service book

- (i) The Head of Office shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension. Every effort should be made to complete the verification of service and to make good omissions, imperfections or deficiencies. However, any omissions, imperfections or deficiencies including the portion of service shown as unverified in the Service Book which it has not been possible to verify in accordance with the procedure as laid down above, the said portion shall be ignored and service qualifying for pension shall be determined on the basis of entries in the Service Book.

Rule 59(1)(b)(i) & (ii)

- (ii) For the purpose of calculation of average emoluments, the Head of Office shall verify from the Service Book the correctness of the emoluments drawn or to be drawn during the last 10 months of service. In order to ensure that the emoluments during the last 10 months of service have been correctly shown in the Service Book, he may verify the correctness of emoluments for the period of 24 months only preceeding the date of retirement of the Govt. servant and not for any period prior to that date.

Rule 59(1)(b)(iii)

3. Treatment of Extraordinary Leave

Extraordinary Leave granted on medical certificates qualifies for pension. The Appointing Authority may, however, at the time of grant of Extraordinary Leave otherwise than on medical grounds also allow the period of such leave to count as qualifying service for pension if leave is granted to a Govt. Servant :-

- (i) due to his inability to join or re-join duty on account of civil commotion, or
(ii) for prosecuting higher technical and scientific studies.

Extraordinary Leave taken on other grounds is treated as 'Non-Qualifying', and, therefore, a definite entry is to be made in the Service Records to that effect. Entries regarding service being qualified or otherwise are 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 8 months before retirement. At the end of that period, however, no further enquiry into past events or checks of past records may 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 the spells of Extraordinary Leave not covered by such specific entries will be deemed to be qualifying service.

GOI decision No.(1) below Rule 21

4. Period of Suspension

Time passed by a Govt. servant under suspension pending enquiry into conduct will count as Qualifying Service where, on conclusion of such enquiry, he has been fully exonerated or the suspension is held to be wholly unjustified. In other cases, the period of suspension shall not count unless the Authority competent to pass order under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare. Specific entries in this regard in the Service Book will be taken note of at the time of reckoning qualifying service. In the absence of any specific entry, the period of suspension shall be taken as counted towards the qualifying service.

Rule 23 & GOI decision No.(1) below Rule 23

5. Forfeiture of Service on Dismissal or Removal

Dismissal or removal of a Govt. servant from service or post entails forfeiture of past service. However, if a Govt. servant who is dismissed, removed or compulsorily retired from service, but is re-instated on appeal or review, is entitled to count his past service as qualifying service.

Rule 24 & 25

6. Forfeiture of Service on Resignation

Resignation from service or post, unless it is allowed to be withdrawn in the public interest by the Appointing Authority, entails forfeiture of past service. However, resignation shall not entail forfeiture of past service if it has been submitted to take up another appointment with proper permission, whether temporary or permanent under the government, where service qualifies.

Rule 26

7. Condonation of Interruption in Service

In the absence of specific indication to the contrary in the service book and interruption between two spells of Civil Service by a Govt. servant under the Govt. including civil service rendered and paid out of Defence Service Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service. The period of interruption shall not count as qualifying service. However, interruption caused by resignation, dismissal or removal from service or for participation in strike will not be counted towards qualifying service for pension.

Rule 28

8. Adjustment and recovery of Government Dues Pertaining to Govt. Accommodation

The Administrative Department is required to furnish a list of Govt. servants in occupation of Govt. accommodation, alongwith applications from the individual on the prescribed form for issue of 'No Demand Certificate' to the Dte. of Estate Govt. of India/PWD of Delhi Govt., at least TWO years before the date of superannuation of the official concerned. The Dte. of Estate/ PWD of Delhi Govt., in turn, would issue in Advance 'No Demand Certificate' to the department concerned with a copy endorsed to the individual concerned 8 months before the date of superannuation. If the Dte. of Estates/PWD of Govt. of Delhi, for certain reasons, fails to inform the departments concerned about the dues 8 months prior to date of retirement, they are free to assume that nothing is due on account of rental dues in the book of the Directorate of Estates/PWD of Govt. of Delhi and they can finalise the pension papers of the individual concerned without waiting for any certificate from the Directorate of Estates/PWD of Govt. of Delhi provided the Deptt. had forwarded the application for 'No Demand Certificate' 2 years in advance and had obtained an acknowledgment for the same. Further, after the permissibility of retention i.e. from the date of cancellation of the Govt. accommodation, the retiree is to deal with the Dte. of Estate/PWD of Govt. of Delhi as if he was a private party. The Department concerned are no longer required to correspond with the Dte. of Estate/

PWD of Govt. of Delhi about that individual for the period beyond the permissible period of retention of Govt. accommodation after the date of retirement of the allottee.

Rule 72

9. Adjustment and Recovery of Dues other than Dues Pertaining to Govt. Accommodation

- (i) Dues to Municipality and Co-Operative Society are not to be treated as Govt. dues and therefore, recovery of these dues can not be made out of the DCRG.
- (ii) Family Pension is like any other pension and recoveries of dues whether Govt. or Non-Govt. are not permissible from it without obtaining the consent of the pensioner. Similarly, the sum due from the Govt. servant on deputation to Autonomous Organisations is not Govt. dues and, therefore, it cannot be recovered out of DCRG payable by the Govt. to the Govt. servant except where the Govt. servant, has given his consent in writing to such a recovery being made from his gratuity which is becoming payable to him.

Rule 73

STAGE THREE

10. Filling up of Forms and Authorisation of Pension

- (i) The Head of Office, after completing all the above formalities, 8 months prior to the date of retirement of the Govt. servant, shall obtain Form No.5 from the Govt. servant duly completed. A Check List-cum-Pension Progress Card should be prepared in two copies and progress watched. One copy of the card should be given to the retiring employee for information and necessary action. Specimen copy of the card is attached at Annexure I.
- (ii) The Head of Office shall further complete Part-I of Form 7 not later than 6 months of the date of retirement of the Govt. servant.
- (iii) The Head of Office shall further forward Form No.5 and Form No.7 duly completed with a covering letter in Form No.8 along with Service Book of the Govt. Servant duly completed, upto date, and any other documents relied upon for the verification of service to the PAO concerned. He will also send the calculation sheet in triplicate alongwith the pension case duly certified to the PAO concerned.

Rule 60 & 61

11. Authorisation of Pension and Gratuity by the PAO and providing the pension Calculation Sheet to the Pensioner.

On receipt of pension papers, PAO concerned shall apply the requisite checks, record the account encasement in Part-II of Form 7 and assess the amount of pension, gratuity and commutation of pension where applicable and issue the Pensions Payment Order not later than one month in advance of the date of retirement of the Govt. servant to the Pension Disbursing Authority under intimation to the pensioner. . A copy of calculation sheet as certified by the Head of Office and duly countersigned by the PAO will also be sent to the pensioner. The authority for the amount of gratuity payable to the Govt. servant will be issued by the PAO to the Head of Office with the remarks that the amount may be drawn and disbursed by him to the retired Govt. servant after adjusting the Govt. dues, if any.

Rule 65

12. Provisional Pension

There may be an isolated case where inspite of following the procedure as laid down in the instructions on the subject, it may not be possible for the Head of Office to forward the pension papers to the

Accounts Officer/PAO within the period prescribed i.e. 6 months before the retirement of the Govt. servant or where the pension papers have been forwarded to the Accounts Officer within the prescribed period but the same have been returned to the Head of Office for eliciting further information before issue of the PPO and Order for the payment of gratuity and commutation of pension. If the Head of Office, in such case, is of the opinion that the pension or gratuity or both can not be assessed, finalised and settled, before the actual date of retirement of the Govt. servant, he shall, then, take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations and shall authorise 100% provisional pension for a period not exceeding 6 months to be reckoned from the date of the retirement of the Govt. servant, 100% gratuity as provisional gratuity withholding 10% of the gratuity or Rs. 1000/- whichever is less.

Rule 64

13. Provisional Pension Where Departmental or Judicial Proceedings may be Pending

- (i) Grant of cent percent Provisional Pension is mandatory even if departmental or judicial proceedings are continued. The PAO shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Govt. servant or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension. The Provisional Pension shall be authorized during the period commencing from the date of retirement upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.
- (ii) No Gratuity shall be paid to the Govt. servant until the conclusion of the departmental or judicial proceeding and issue of final orders thereon provided that where departmental proceedings have been instituted under Rule 16 of the Central Civil Services (Classification, Central and Appeal) Rules, 1965 for imposing any of the penalties specified in clause (i), (ii) & (iv) of Rule 11 of the said rules, the payment of gratuity shall be authorized to be paid to the Govt. servant.
- (iii) Payment of Provisional pension made to the Govt. servant shall be adjusted against final retirement benefits sanctioned to such Govt. servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

Rule 69

14. Stoppage or Reduction of Pension for Reasons Other than Misconduct not Permissible

Pension is not in the nature of rewards, but this is a binding obligation on Govt. which can be claimed as a right. Forfeiture of Pension is only on resignation, removal or dismissal from service. After the pension is sanctioned, its continuance depends on future good conduct but it cannot be stopped or reduced for other reasons except where the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Rule 8

SECTION – I

Pension Action Time at a Glance

	Action by	Time Schedule
1. Preparation of list on 1st Jan. and 1st July of Govt. Servants 'Retiring within 24-30 months and sending one copy to PAO	H.O.O.	1st Jan./1st July
2. Writing to Estate Officer for issue of No Demand Certificate	H.O.O.	D-2years
3. Preparation of Form No.7 (Form of Assessing Pension, Family Pension, Gratuity and Commutation of Pension wherever applicable).	H.O.O.	D-2years
4. Action stages within two years		
(i) Verification of Service	H.O.O.	
(ii) Making Good Omissions in the Service Book	H.O.O.	
(iii) Obtain Form 5 from Govt. Servant. (Particulars of Self and Family and Photographs etc.)	H.O.O.	D-8months
5. Completion of Part-I Form 7 (record of service & leave emoluments etc.)	H.O.O.	D-6months
6. Forwarding of Pension Papers and Form 5 & 7 to PAO not later than 6 months before date of retirement	H.O.O.	D-6months
7. Intimation to PAO any event having bearing upon pension	H.O.O.	Immediately
8. Intimation to PAO at least two months before retirement reg. recovery of Govt. dues from the gratuity	H.O.O.	D-2months
9. Authorisation of provisional pension for six months if delay anticipated in the completion of pension paper of the retiree	H.O.O.	D-2months
10. Issue of pension payment order	P.A.O.	D-1month

D stands for 'Date of Retirement' and H.O.O. stands for 'Head of Office'

SECTION – II

Annexure-I to Chapter-II

(Para 10)

CHECK LIST.CUM-PENSION PROGRESS CARD

(To be issued to employees 8 months
before date of retirement)

Name.....

Date of Birth.....

Date of Entry in Govt. Service

Pay Scale of the post held before retirement

Date of retirement.....

Deptt. where Serving

(To be completed by. Head of Office)

1. Is your Service Book available?
2. Is entry regarding medical examination made in S. Book?
3. Is date of birth and date of confirmation correctly recorded?
4. Is period of entire service recorded correctly?
5. Is the entire period of service verified and certificate of verification of service recorded in S. Book?
6. Is entry for recovery of leave salary and pension contributions correctly recorded in the service book for your Foreign Service period, if any?
7. Is there any suspension period? If so, has the same been regularized by the competent authority?
8. Is a letter written to Estate Officer for issue of No Demand Certificate?
9. Is Form 7 prepared and pension, family pension, DCRG & commutation of pension wherever applicable correctly assessed?
10. Is there any Govt. dues (other than the dues of Govt. accommodation) outstanding against you for recovery from your gratuity?
11. Is the nomination for arrears of Pension DCRG, family pension and commutation of pension wherever applicable available?

You are now requested to complete Form '5' by (date)

Dated:.....

Head of Office

SECTION – III

Watch out for Draw-Backs

1. Lack of Monitoring by H.O.O./H.O.D.
2. Permissive Attitude in Offices
3. Factors Responsible for Delay:–
 - a. Timely Action not initiated by staff responsible for maintaining the Service records and processing the pension papers.
 - b. Service Book not updated because of the following:
 - (i) Absence of entry for Medical Examination and Police Verification on initial appointment.
 - (ii) Date of Birth, date of entry in Govt. service and Confirmation in service not recorded in the service book.
 - (iii) Non-recording of annual certificate of verification of service with reference to pay bill.
 - (iv) Absence of entry of non-Qualifying service.
 - (v) Absence of entry regarding recovery of leave salary and pension contribution in case of period spent on foreign service.
 - (vi) Nomination forms not obtained.
 - (vii) Pay drawn by a Govt. Servant from time to time since his joining in Govt. Service till retirement has not been shown correctly.
 - (viii) Non-maintaining of an up-to-date leave account clearly mentioning the spells of leave not counted as qualifying service for pension.
 - (ix) Non- recording of entries of regularization period to be taken as qualifying or non-qualifying service for pension.

CHAPTER – III

Your Role as Government Servant in ensuring timely payment of Retirement Benefits:

“Pension is not a bounty payable at the sweet will and pleasure of the Govt. but the right to pension is a valuable Right vested in your hand”.

1. Do your duty and get your right in time.

The two essential elements in determining the amount of pension, gratuity and family pension and commutation of pension wherever applicable:-

- (i) Number of qualifying years of service rendered by a Govt. servant.
- (ii) Emoluments drawn during the last ten months of service.

2. Service Book

- (i) Service Book of the Govt. servant is the only document which is relied upon for the purpose. Where service book is complete in all respects, no difficulty arises in the prompt settlement of the claim of Govt. servant or his family.
- (ii) Where Service Book is incomplete, the settlement is delayed resulting in unnecessary hardship to Govt. servants or his family. Under the Rules, every Head of Office is duly bound to keep the Service Book of every Govt. servant complete in all respect and show it to him every year for inspection and obtain his signature.

3. Govt. servant in his own interest should ensure the following for settlement of his pensionary benefits :-

- (i) that entry has been made in Service Book regarding police verification and that he has been medically examined and found fit on his initial appointment in Govt. Service.
- (ii) that the date of birth and the dates of initial appointment/subsequent appointment to other posts/service has been properly recorded in the Service Book.
- (iii) that Annual Certificate of verification of Service with reference to pay bills has been regularly recorded for the entire service period.
- (iv) that entry has been made regarding grant of Extraordinary Leave granted on medical certificate on account of illness of Govt. servant.
- (v) that an entry has been made in the Service Book if the Pre-resignation or Pre-break service would qualify or would amount to forfeiture of past service.
- (vi) that in respect of period spent on Foreign Service, an entry has been made in the Service book regarding recovery of leave salary and pension contributions.
- (vii) that Nomination for death-cum-retirement gratuity, Group Insurance Scheme and GPF have been duly pasted in the service book including revised nomination furnished in cancellation of previous ones.
- (viii) that details of the family are furnished in Form 3 of the CCS(Pension) Rules 1972 and pasted properly in the service book.

CHAPTER – IV

Action for Improvement and timely settlement of pensionery benefits

1. Action Indicator-showing particular type of action to be taken, to be pasted on Supperannuation register.
2. Guidelines should be strictly followed.
3. Check list should be filled in by dealing hand before case is submitted to H.O.O.
4. Accountability of dealing staff.
5. Training to dealing hands and Supervisory staff.
6. Formation of separate cell for handling retirement benefits cases.
7. Verification and determination of qualifying service rendered by the Govt. servant by the Head of Office and submission of proposal to PAO for issue of certificate in Form 24 where employees have rendered 25 years of service or due to retire in next 5 years, under rule 32 of the CCS (Pension) rules 1972.
8. 100% Audit of all service books by the PAO and issue of service verification certificate in Form 24.

CHAPTER – V

SALIENT FEATURES OF PENSION RULES

1. Regulation of Claims to Pension or Family Pension:

Any claim to pension or family pension shall be regulated by the provisions of the rules in force at the time when a Govt. servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be. The date on which the Govt. servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be, shall be treated as his Last Working Day, provided that in the case of a Govt. servant who is retired prematurely or who retires voluntarily as the case may be, the date of retirement shall be treated as Non-Working Day.

Rule 5

2. Date of Retirement to be Notified

When a Govt. servant retires from service, an Office Order shall be issued specifying the date of retirement and a copy of every such Office Order shall be forwarded immediately to the Accounts Officer. However, if, in any case, no such Office Order is issued, the Govt. servant would be deemed to have retired on the due date.

Rule 74 & GOI order No.3 below Rule 35

3. Nominations

The need of nomination arises consequent upon the death of a Govt. servant while in Service or after retirement before the receipt of DCRG, commutation of pension wherever applicable. In those cases, where authority of nomination exists on record, the claims of the nominee are likely to be settled expeditiously. But in those cases where no nominations have been filed or even if filed by the Govt. servant but lost in the office due to lack of proper care, or a Govt. servant having died without making any authority of nominations, the surviving members of his family have to face avoidable difficulties in getting their dues. Therefore, in order to save the family of the Govt. servant from these procedural difficulties and the inevitable delay which this process entails, the Heads of Office should ensure that all the Govt. servants working under them file the nominations on account of :-

- (a) D.C.R.G.
- (b) Group Insurance Scheme
- (c) G.P.F.

The nominations so filed, after counter-signature to be kept in a separate Confidential File which should be lodged for safe keeping with the Head of Office or other responsible Officer nominated by him for this purpose and a clear Note made in the Service Book of the Officer/ Official concerned as to what nomination had been received from him and where they have been lodged for safe custody so that there should be no difficulty in locating the documents when the occasion for making a reference to that arises. Receipt of nomination form should be acknowledged by Head of Office.

4. Details of Family Members

The Head of Office should also obtain a list of family members of the Govt. servants showing their names, date of birth, relationship with the Govt. servant, duly signed by the Govt. servant and paste in the service book for future reference.

5. Emoluments

- (i) The emoluments are required for determination/assessment of DCRG and family pension. The expression emolument means basic pay as defined in Rule 9(21)(a)(i) of the Fundamental Rules which a Govt. servant was receiving immediately before his retirement or on the date of his death; and will also include stagnation increment and non-practising allowance granted to medical officer in lieu of private practice.

EXPLANATION – DA admissible on the date of retirement/ death shall be treated as emoluments for all types of gratuity under Rule 49&50 from 1.1.96. D.P. @ 50% of DA. will also taken as emoluments w.e.f. 1-4-2004.

- (ii) If a Govt. servant immediately before his retirement or death while in service had been absent from duty on extra ordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.
- (iii) Pay drawn by a Govt. servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.
- (iv) Pay drawn by a Govt. servant while on deputation to the Armed Forces of India shall be treated as emoluments.

Rule 33

6. Average Emoluments

- (i) Average emoluments shall be determined with reference to the emoluments drawn by a Govt. servant during the last ten months of service.
- (ii) If during the last ten months of his service, a Government servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

7. Eligibility for pension and gratuity

- i) The Govt. servants including Quasi-Permanent and Temporary Govt. servants, who retire on superannuation or on being declared permanently incapacitated for further Govt. service by the appropriate medical authority after having rendered service of not less than 10 years, shall be eligible for grant of superannuation/invalid pension, retirement gratuity, commutation of pension and family pension under CCS(P) Rules, 1972.
- ii) The Govt. servants including Temporary and Quasi-Permanent Govt. servants who seek voluntary retirement after completion of 20 years of service shall be eligible for retirement pension and other pensionary benefits, like DCRG, family pension and commutation of pension wherever applicable under CCS (P) Rules, 1972.
- iii) The Govt. servants including Temporary and Quasi-Permanent Govt. servants who retire on superannuation or on being declared permanently incapacitated on medical authority after having rendered service of less than 10 years shall be eligible for grant of service gratuity in lieu of pension and retirement gratuity under Rule 49 & 50 of the CCS (Pension) Rules 1972.

8. Amount of pension and DCRG

- i) Pension shall be calculated at 50% of average emoluments and shall be subject to a minimum of Rs.1275/- per month. w.e.f. 1.4.2004 50% of Dearness Allowance Converted into Dearness pay is counted for Retirement benefits. Pension shall be calculated at 50% of Pay plus Dearness Pay Subject to Minimum of Rs. 1913 and maximum of 50% of the highest pay plus Dearness Pay in the Government.

- ii) The Service Gratuity for qualifying service of less than 10 years shall be calculated at uniform rate of half month's emoluments for every completed 6-month period of service.
- iii) In the case of a Govt. servant who has completed 5 years' qualifying service, retirement gratuity on retirement shall be equal to 1/4th of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 16-1/2 times the emoluments, provided that the amount of retirement gratuity payable shall in no case exceed Rs. 3.50 lacs. There will be no ceiling on reckonable emoluments for calculating the gratuity.

Rule 50

9. Classes of Pensions and Conditions governing their grant.

9(1) Superannuation Pension:

A Superannuation Pension shall be granted to a Govt. servant who is retired on his attaining the age of 60 years. With effect from 1st of November, 1973, Govt. Servants in Group 'B', 'C' and 'D' Service or Post and from 1st of April, 1974, Group 'A' Officers shall retire from Service with effect from the afternoon of the last day of the month in which their date of retirement falls, without prejudice to Clause (j), (k), (l) and (m) of FR-56. This will not apply to the cases of premature retirement.

In the case of an Officer whose Year of birth is known, but not the exact date, local government may adopt the rule that 1st July should be treated as the date of birth for the purpose of determining when he should be going to attain the age of superannuation. Similarly when only the year and month of birth are known, the 16th of the month is taken to be the -exact date of birth for the purpose of pension.

Rule 35

9(2) Retiring Pension:

A Retiring Pension shall be granted to a Govt. servant who retires or is retired in advance of the age of compulsory retirement under Rules 48 or 48A of Pension Rules or Rule 56 of the Fundamental Rules and to a Govt. servant who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of Rules 29 ibid.

Rule -36

9(3) Pension on absorption in or under a Corporation, Company or Body:

On absorption in such an Organization or Body with the approval of the Government, the individual Govt. servant shall be deemed to have retired from service from the date of such absorption and shall be eligible for counting of past service for pensionary benefits in new organization and if no pension scheme is applicable in the new organization he shall be eligible to receive the following pro-rata retirement benefits which he may have elected or deemed to have elected and from such date, as the case may be, determined in accordance with the orders of the Govt. applicable to him.:-

- i) Monthly Pension
- ii) Gratuity
- iii) Upto 40% commutation of pension
- iv) Encashment of Earned Leaves
- v) Payment of GPF
- vi) Payment of UTGEIS
- vii) Family Pension

Rule 37 and Appendix 11 of CCS (Pension) Rules 1972

10. Invalid Pension:

- i) Invalid pension shall be granted, if a Govt. servant retires from service on account of any bodily or mental infirmity which permanently incapacitates him from the service.
- ii) A Govt. servant applying for invalid pension shall submit Medical Certificate of Incapacity from a Medical Board, in the case of Gazetted Govt servant & of Non-Gazetted Govt. servant whose pay exceeds Rs. 2200/- per month.
- iii) Civil Surgeon or a District Medical Officer or Medical Officer of equivalent status in other cases.

Rule 38

11. Compensation Pension:

If a Government servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be atleast equal to those of his own, have the option of taking compensation pension to which he may be entitled for the service he had rendered or of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

Rule 39

12. Compulsory Retirement Pension:

A Govt. servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than 2/3rd, and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

Rule 40

13. Compassionate Allowance:

A Govt. servant who is dismissed or removed from service shall forfeit his pension and gratuity. However, the authority competent to dismiss or remove him from service may if the case is deserving of special consideration, sanction a Compassionate Allowance not exceeding 2/3rd of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

Since the Compassionate Allowance is one of the various kinds of pensions enumerated in CCS(P) Rules, the Civil Pension (Commutation) Rules would apply to the Compassionate Allowance in the same manner as in respect of any other class of pension.

Rule 41

14. Family Pension

1. There was no provision for Family Pension under the old Pension Rules. Family Pension Scheme (FPS) was for the first time introduced with effect from April 17, 1950 alongwith liberalized pension rules, 1950 (LP Rules). Some improvements were made in the family pension with effect from April, 1957 when the earlier condition of 25 years service at the time of the death of employee for payment of family pension was reduced to 20 years. Further, the pension was made payable for the period of 10 years instead of 20 years. Substantial liberalization in the FPS were made with effect from January 1, 1964 when the Family Pension Scheme 1964 was introduced.
2. Further improvements for the Family Pension Scheme were made as a result of recommendations of the III Pay Commission. The existing rates of family pension have been

further improved with the acceptance of the IVth and Vth Central Pay Commission Report. The salient Features of the existing family pension scheme are given below:-

3. Eligibility

The provisions of family pension scheme 1964 shall apply-

- (i) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and
- (ii) to a Government servant who was in service on the 31st December, 1963 and came to be governed by the provisions of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance, Office Memorandum No. 9(16)-E.V(A)/63, dated the 31st December, 1963 as in force immediately before the commencement of these rules.

Note – the provisions of this rule will also extend, from 22nd September, 1977, to Government servants on pensionable establishments who retire/died before 31.12.1963, as also to those who were alive on 31.12.1963, but had opted out of 1964 Scheme.

- (iii) to a Government servant dies after completion of one year of continuous service.
- (iv) to a Government servant dies before completion of one year of continuous service provided the deceased Govt. servant concerned immediately prior to his appointment was examined by the appropriate medical authority and declared fit by that authority for Govt. service.
- (v) to a Government servant dies after retirement from service and was on the date of death in receipt of a pension other than the pension referred to in Rule 37 of CCS (Pension) Rules, 1972.

Rule 54(2)

4. Amount of Family Pension and DCRG payable

(i) Family Pension

The family of the deceased shall be entitled to Family Pension, the amount of which shall be calculated at a uniform rate of 30% of the last pay drawn subject to minimum of Rs.1275/- P.M. and maximum of 30% of the highest pay in the Govt. w.e.f. 01.01.1996. On Conversion of 50% Dearness allowance into Dearness Pay w.e.f. 1-4-2004, Family pension shall be calculated at 30% of Pay Plus Dearness Pay Subject to minimum of Rs. 1913/- and Maximum of 30% of the highest Pay Plus Dearness Pay in the Government.

(ii) Death Gratuity

In the event of death in harness, the Death Gratuity, shall be admissible at the following rates:

Length of Service	Rate of Gratuity
(i) Less than one year	2 times of emoluments
(ii) One year or more but less than 5 years	6 times of emoluments
(iii) 5 years or more but Less than 20 years.	12 times of emoluments.
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times emoluments provided that the amount of Death Gratuity shall in no case, exceed Rs. 3.5 Lacs.

There will be no ceiling on reckonable emoluments for calculating gratuity.

5.(i) Where a Govt. servant who is not governed by the Workmen's Compensation Act 1923 (8 of 1923) dies while in service after having rendered not less than seven years' continuous service, the family pension payable to the family shall be equal to 50% of the pay last drawn or twice the Family Pension admissible under 4 (i) above, whichever is less and the amount so admissible shall be payable from the date following the date of death of the Govt. servant, for a period of 7 years, or for a period upto the date on which the deceased Govt. servant would have attained the age of 67 years had he survived, whichever is less.

Rule 54(3)(a)(i)

5.(ii) In the event of death after retirement, the family pension as determined under 5(i) above shall be payable for a period of seven years or for a period upto the date on which the retired deceased Govt. servant would have attained the age of 67 years had he survived, whichever is less.

Provided that in no case the amount of Family pension determined under Sub-para 5 (ii) above shall exceed the pension authorized on retirement.

Provided further that where the amount of pension authorised on retirement is less than the amount of Family Pension admissible under Sub-para 4(i) above, the amount of Family pension determined on enhanced rates shall be limited to the amount of Family pension admissible under Sub-para 4(i)

Rule 54(3)(a) (ii)

Explanation: For the purpose of this Rule, pension authorised on retirement includes the part of the pension which the retired Govt. servant may have commuted before death.

6. Family in Relation to a Govt. Servant means:

- (i) Wife or husband including judicially separated wife or husband, where such separation not being granted on ground of adultery and the person surviving was not held guilty of committing adultery.
- (ii) Son/daughter including widowed/divorced daughter and also including such son or daughter adopted legally till he/she attains the age of 25 years or upto the age of his/her marriage/re-marriage whichever is earlier.
- (iii) Parents who were wholly dependent on the Govt. Servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child.

Explanation 1 : The income criteria in respect of parents and widowed /divorced daughters will be that their earning is not more than Rs.2550/- P.M.

Explanation 2 : The benefit of enhanced family pension shall not be admissible to the dependent parents.

7. Period for which Family Pension is Payable

- (i) In the case of widow or widower upto the date of death or remarriage, whichever is earlier.
- (ii) In the case of son/unmarried daughter including widowed/ divorced daughter until he/she attains the age of 25 years or upto the date of his/her marriage/re-marriage, whichever is earlier.
- (iii) In the case of mentally retarded or physically handicapped son or daughter for life; subject to the condition specified in Proviso to Rule 54(6) of the CCS(Pension) Rules 1972.
- (iv) In the case of more widows than one, the amount of family pension is paid in equal shares and on the death of a widow, her share is payable to the eligible child or children up to specified age.

Provided that if the widow is not survived by any child, her share of the Family Pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full to her.

- (v) Where a Govt. servant is survived by a widow and has left behind eligible child or children from another wife, the eligible child or children will get the share of family Pension which mother would have received.

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

8. Family Pension Payable to one Person only

- (i) Except where the family pension is divided amongst more than one widows or amongst a surviving widow and child or children from another deceased wife (Para 7 above), the family pension is paid to one person only;
- (ii) When a deceased Govt. servant leaves behind widow /widower and eligible child or children, the family pension is first paid to the widow;
- (iii) Family pension to the children shall be payable in the order of this birth and younger of them will not eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension.

Rule 54(8)

9. Claiming of Family Pension on the Death of a Pensioner

- (i) When the deceased pensioner is survived by widow/widower:

For the payment of family pension, the surviving widow/widower should apply on a plain paper to the pension drawing authority from where the deceased pensioner was drawing his or her pension. For this purpose, a copy of the death certificate should also be enclosed with the application. The Pension Disbursing Authority on receipt of the application will authorise payment of family pension on the basis of information available in the Pension Payment Order.

- (ii) When the deceased pensioner is survived by child or children only:

The guardian of the child or children may submit a claim in Form 14 of the Pension Rules to the Head of Office from where the deceased pensioner had retired. If the son or unmarried daughter has attained the age of 18 years, such son or daughter may himself or herself submit a claim in Form 14. The Head of Office on receipt of Form 14, will sanction family pension in Form 20 of the Pension Rules.

- (iii) When a widow/widower in receipt of family pension re-marries or dies and leaves behind eligible child or children:

(a) On Re-Marriage of Widow or Widower

If the remarried individual has eligible child or children from former spouse, and the re-married individual continues to be the guardian of such child or children, the individual should apply to the Head of Office furnishing the following particulars:

- (i) A declaration that the applicant continues to be the guardian of such child or children.
- (ii) The date of re-marriage.
- (iii) The name and date of birth of child or children from former spouse.
- (iv) The Branch of the nationalized bank or the Treasury or Sub-Treasury from where the family pension is to be drawn on behalf of child or children.

- (v) Full postal address of the applicant.
- (vi) If the re-married individual has ceased to be the guardian of the child or children, the family pension may be claimed by the legal guardian in Form 14 but in case of son or unmarried daughter has attained the age of 18 years, he or she should make a claim on the said Form. On receipt of Form 14 the Head of Office will sanction family pension in Form 20.

(b) On Death of a Widow or Widower in Receipt of Family Pension

If a widow/widower in receipt of family pension dies leaving behind eligible child or children, the guardian of such child or children should submit a claim in Form 14 and in case the son or unmarried daughter has attained the age of 18 years, such son or daughter may submit a claim in Form 14 and send the Form to the Head of Office from where the deceased Govt. servant had retired. Head of Office on receipt of the Form will sanction family pension in Form 21.

Rule 81

CHAPTER – VI

1. Commutation of pension

A Govt. servant who on his retirement from service is authorised pension will be eligible to commute for a lumpsum payment, a fraction not exceeding 40% of his pension. Pension for this purpose includes Provisional Pension sanctioned under Rule 64 of the Pension Rules.

2. Commutation of Pension without 'Medical Examination

(1) A pensioner who is in receipt of:

- i) a superannuation pension under Rule 35
- ii) a retiring pension under Rule 36
- iii) a pension on absorption in or under a Corporation or Company or body and who in terms of Rules 37 of the Pension Rules elects to receive pension and death-cum-retirement-gratuity, or
- iv) a compensation pension
- v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in Rule 9 of the Pension Rules and issue of final orders thereon-
 - a) will be eligible to commute a fraction of his pension without medical examination. For this purpose, an applicant will apply for commutation to the Head of Office in Form I or Form I-A of the CCS(Commutation of Pension) Rules, 1981 within a period of one year from the date of his retirement and he will also ensure that the said Form duly completed is delivered to the Head of Office as early as possible, but not later than one year of the date of his retirement.
 - b) In the case of an applicant referred to in sub-clause (v) of clause (1)above, the period of one year will reckon from the date of issue of orders consequent on the finalisation of the departmental or judicial proceedings.

Rule 13(b)

- c) An applicant who applies for commutation of pension within a year of the date of his retirement, but his application in Form I is received by the Head of Office after one year will not be eligible to commute pension without medical examination.

Rule 13(2)

- d) A retiring Govt. servant can also apply, if he so desires, for commutation of pension at least three months before the date of his superannuation so that the commuted value of pension could be indicated in the Pension Payment Order itself. For this purpose, he should apply in Form-1 A at the time of his retirement.

Rule 13(3)

3. Commutation of Pension after Medical Examination

A Govt. servant who-

- (i) retires on invalid pension;
- (ii) is compulsorily retired from service as penalty and granted pension under Rule 40 of the Pension Rules, or
- (iii) has retired from service on one of the pensions referred to in para 2, but his application for

communication has not been received by the Head of office within one year of the date of his retirement, will be eligible to commute a fraction of pension after he has been declared fit by the appropriate medical authority. For this purpose, the applicant will apply to the Head of office in Form 2 of the commutation of Pension Rules.

Rule 18

4. Commutation of Pension to become absolute

The commutation of pension becomes absolute in the case of an applicant referred to in –

- (i) Para 2(1)(i to v) above – on the date on which the application in Form 1 is received by the Head of Office
- (ii) Para 2(1)(a) above- on the date following the date of retirement
- (iii) Para 3(i to iii) above – on the date on which the medical authority signs the medical report in part III of Form 4.

Rule 6 of the CCS(Commutation of Pension) Rules 1981

5. Calculation of the Commuted value

The lumpsum amount payable to an applicant is calculated in accordance with the Table appended to the Commutation Rules and applicable to the applicant on the date on which the Commutation becomes absolute.