

The M.P. Civil Services (Extraordinary Pension) Rules, 1963

MADHYA PRADESH

India

The M.P. Civil Services (Extraordinary Pension) Rules, 1963

Rule

THE-M-P-CIVIL-SERVICES-EXTRAORDINARY-PENSION-RULES-1963 of 1963

- Published on 3 May 1963
- Commenced on 3 May 1963
- [This is the version of this document from 3 May 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Civil Services (Extraordinary Pension) Rules, 1963 Published vide Notification No. 1365-C-R-968-4-R-2, Published in M.P. Rajpatra, Part 4 (Ga), dated 3-5-1963 at page 393 In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of all rules, order and instructions previously made and issued on the subject, the Governor of Madhya Pradesh hereby makes the following rules, namely

1.

(1) These rules may be called The Madhya Pradesh Civil Services (Extraordinary Pension) Rules, 1963. (2) They shall come into force with effect from the date of publication of these rules in the Gazette.

2.

These rules shall apply to all persons paid from civil estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies, whether their appointment is permanent or temporary, on time-scale of pay or fixed pay or piece work rates who are under the making control of the State Government of Madhya Pradesh.

3.

For the purpose of these rules, unless there is anything repugnant in the subject or context:-(1) "accident" means-(i) a sudden and unavoidable mishap; or (ii) a mishap due to act of

devotion to duty in an emergency arising otherwise than by violence out of and in the course of service.(2)"date of enquiry" means-(i)in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the State Government may fix; and(ii)in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the State Government with due regard to the opinion of the Medical Board;(3)"disease" means-(i)Venereal disease or septicaemia where such disease or septicaemia is contracted by medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty; or(ii)disease solely and directly attributable to an accident, or(iii)an epidemic disease contracted by an officer in consequence of the due performance of his duties connected with the epidemic in an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties.(4)"family" means-(a)wife, in the case of a male Government servant;(b)husband, in the case of a female Government servant;(c)sons and unmarried daughters;(d)widowed daughter;(e)brothers;(f)unmarried or widowed sisters;(g)father; and(h)mother ;Provided that the persons mentioned in items (d) to (h) shall not be deemed to be included in the family, unless they were largely dependent on the Government servant.Note - Family includes posthumous children if, born alive, but not step-sons, step-daughters, step-brothers, step-sisters, step-mother and step-father.(5)"injury" means bodily injury resulting from violence, accident or disease assessed by a medical board as being not less than severe.Note. - Examples of injuries of certain categories are given in Schedule I.(6)"pay" means the pay as defined in Rule 9 (24) of the Fundamental Rules, which a person was drawing on the date of his death or injury :Provided that in the case of a person remunerated by piece-work rates, "pay" means the average earnings of the last six months ending with the date of his death or injury :Provided further that in the case of a non-gazetted police official injured or killed as a result of injury received in encounters with dacoits or in the discharge of equally hazardous duties, pay shall include dearness allowance also.(7)"risk of office" means any risk, not being a special risk of accident or disease to which a Government servant is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the natural conditions, obligations or incidents of Government service.[Note. - The term "risk of office" shall include the risk of death or injury to which a Government servant is exposed when he attends on a working day or is required to attend on a holiday the place of his employment for the performance of his duties during any riot or civil commotion in the town, city or village concerned, including sub-urban areas contiguous thereto, and while proceeding from his residence to the place of his employment or vice-versa, becomes a victim of the said riot or civil commotion.] [Inserted by Notification No. 865-IV-R-II, dated 24-4-1964](8)"special risk" means-(i)a risk of suffering injury by violence;(ii)a risk of injury by accident to which Government servant is exposed in the course of, and as a consequence of the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risk of his office;(iii)a risk of contracting disease to which medical officer is exposed as a result of attending in the: course of his official duty to a venereal or septicaemic patient or conducting a post-mortem examination in pursuance of that duty.(9)"violence" means the act of a person who inflicts an injury on a Government servant-(i)by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties;

or(ii)because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such; or(iii)because of his official position.

4. [[Substituted by Notification No. F-B-6-2-28-77-N-2-IV, dated 28-9-77.]

(1)Notwithstanding anything contained in these rules the degree of default or contributory negligence on the part of a Government servant may be taken into consideration in making an award under these rules in favour of such Government servant, but shall not be taken into account where such award is made in favour of the family of such Government servant.(2)In cases of non-gazetted police personnel the Inspector General of Police may sanction awards in accordance with the entitlement certified by the Accountant General. In other cases no awards shall be made under these rules, except with the sanction of the State Government in consultation with Finance Department.]

5.

Except as otherwise provided in these rules, an award made under these rules shall not effect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service, but any part thereof not exceeding half may be withheld by Government during such period of continued employment or re-employment.

6.

No award shall ordinarily be made in respect of-(i)an injury sustained more than five years before the date of application; or(ii)death which occurred more than seven years-(a)after the injury due to violence or accident was sustained, or(b)after the Government servant was medically reported as unfit for duty on account of disease of which died.

7.

All the awards under these rules shall be made in India in respect unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case, the amount of the award shall, subject to exchange control regulations, be paid in sterling at the exchange rate of 1s, 6d, to the rupee.

8.

For the purpose of these rules, injuries shall be classified as follows:-Class A. - Injuries caused as a result of special risk office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature, or injuries caused as a result of risk of office, which have resulted in disablement, rendering him medically unfit for Government service.Class B. - Injuries caused as a

result of special risk of office and equivalent in respect of the degree of disablement which they cause to the loss of a limb or are very severe, or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb, or are of more serious nature. Class C. - Injuries caused as a result of the special risk of office which are severe, but not very severe, and likely to be permanent, or injuries caused as a result of risk of office which are equivalent in respect of the degree of disablement which they cause to the loss of a limb or which are very severe or severe and likely to be permanent.

9.

(1) If a Government servant sustains an injury which falls within Class A of Rule 8 he shall be awarded-(a) a higher scale gratuity of the applicable amount specified in Schedule II; and (b) with effect from the date of the injury-(i) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in Schedule II for a higher scale pension; and (ii) in other cases a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II for a higher scale pension, and shall not be less than half that amount : Provided that in the case of an injured Government servant who does not continue in employment, the extraordinary pension and one normal pension (inclusive of pension equivalent to death-cum-retirement gratuity payable under the New Pension Rules) together should in no case exceed the pay that the Government servant was getting at the time of injury : Provided further that if the Government servant concerned does not immediately retire on the date of injury but continues in service for sometime more, either on leave or otherwise, a portion of the injury pension not exceeding half may be withheld during the period from the date of injury to the date of retirement. (2) If a Government servant sustains an injury which falls within Class B of Rule 8, he shall be awarded-(a) a lower scale gratuity of the applicable amount specified in Schedule II; and (b) (i) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension with effect from the date of the injury of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension, and shall not be less than half that amount; (ii) in other cases-(a) for a period of one year with effect from the date of the injury, a temporary pension, the amount of which shall not exceed the applicable amount specified in Schedule II for lower scale pension, and shall not be less than half that amount and thereafter; (b) a pension within the limit specified in sub-clause (a), if the Medical Board from year to year certified that the injury continues to be very severe. (3) If a Government servant sustains an injury which falls within Class C of Rule 8, he shall be awarded a higher scale gratuity of the applicable amount specified in Schedule II, if the Medical Board certifies that the Government servant is likely to be unfit for service for a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year : Provided that in cases the injury is equivalent in respect of the degree of disablement which it causes the loss of a limb, the State Government may award, if it thinks fit, in lieu of the gratuity a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule. (4) A temporary pension awarded under this rule may be converted into a permanent injury pension-(i) when the Government servant is invalidated out of the service on account of the injury in respect of which the temporary pension was awarded, or (ii) when the temporary pension has been drawn for not less than five years, or (iii) at any time, if the Medical Board certifies that it sees no

reason to believe there will ever be a perceptible decrease in the degree of disablement.

10.

(1) Awards shall be made as follows to the family of a Government servant who is killed or dies of injuries received, whether As a result of special risk of office or risk of office-(a) a gratuity of the applicable amount specified in Schedule III, and (b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III. (2) The following additional awards shall be made to the family of a non-gazetted police officer killed as a result of injury received in encounters against dacoits or in the discharge of equally hazardous duties:-(i) free education to children in school and colleges within Madhya Pradesh ordinarily upto the age of 21 years; and (ii) a lump sum grant not exceeding Rs. 1,000 for the marriage of each unmarried daughter payable to parent or guardian by special sanction of Government at the time of marriage. Note. - In the event of a Government servant leaving behind two or more lawful widows, the pension or gratuity admissible under this rule to the widow shall be divided equally among all the widows. If, however, any of the widows is totally denied any share in the property of the Government servant under a will or a deed made by him, such widow shall be ineligible to receive any award and shall not be taken into account for the purpose of these rules. In the event of a Government servant leaving behind only one widow who is totally denied any share in the property of the Government servant under a will or deed made by him, she shall be ineligible to receive any award under these rules.

11.

The family pension granted under Rule 10 of these rules shall be for the maintenance of the family. The authority sanctioning pension shall specify to whom it shall be paid, and in the event of a dispute, the authority shall be competent to apportion the pension amounts to different members of the family and may direct accordingly. Note. - In the Family Pension Payment Order issued under this rule, the Accountant General will indicate the share in which each member of the family is entitled and the event or events on the occurrence of which payment on account of any particular share shall be stopped such as against father's share death, against mother's and widow's share death or marriage, against brother's and son's share death or 21 years of age, against sister's and daughter's shares-marriage death or 21 years of age, etc.,

12.

(1) A family pension will take effect from the day following the death of the Government servant or from such other date as the State Government may decide. (2) A family pension will ordinarily be tenable-(i) [in the case of a widow or widower or mother, until death or remarriage whichever occurs earlier;] [Substituted by Notification No. 1453-R-952-IV-R-II, dated 27-6-1966.] (ii) in the case of a son or brother, until he attains the age of [24;] [Substituted by Notification No. F-B-6-8-81-R-II-IV, dated 15-5-1981.] (iii) in the case of unmarried daughter or sister until marriage or until she attains the age of 21, whichever occurs earlier; and (iv) in the case of a father for life. [Note. - The family pension of a widow will cease on re-marriage; but when such remarriage is annulled by divorce, or desertion of the second husband, her pension may be restored upon proof

that she is in necessitous circumstances and otherwise deserving.] [Inserted by Notification No. NKB-6-3-74-N-2, dated 27-5-1974.]

12A. [[Inserted by Notification No. NKB-6-3-74-N-2, dated 27-5-1974.]

Notwithstanding anything contained in clause (i) of sub-rule (2) of Rule 12, a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with, or contributes to the support of other dependents of the deceased shall;not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.]

13.

(1)In respect of matters of procedure, all awards, under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.(2)When a claim for any injury pension or gratuity or family pension arises, the head of the office or the department in which the injured, or the deceased Government servant was employed will forward the claim through the usual channel to the State Government with the following documents :-(i)a full statement of circumstances in which the injury was received the disease was contracted or the death occurred;(ii)the application for injury pension or gratuity in Form A, or, as the case may be, the application for family pension in Form B of the Forms set forth in Schedule IV;(iii)in the case of an injured Government servant or one who has contracted a disease a medical report in Form C of the Forms set forth in Schedule IV. In the case of a diseased Government servant, a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that the medical report cannot be secured;(iv)a report of the audit officer concerned as to whether an award is admissible under the rules and, if so, of what amount; or(v)the names of the payees to whom the gratuity and pension shall be paid and their relationship with the deceased.(vi)[Where the State Government is satisfied on the evidence placed before it by a Government servant in respect of whom a medical report for the purpose of grant of injury or other extraordinary pension has been received by it, of the possibility of an error of judgement in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter. Pension shall be granted to the Officer in accordance with the decision of the second Medical Board.] [Inserted by Notification No. 2091-IV-R-II, dated 21-8-1965.]

14.

Notwithstanding anything contained in Rule 13-(1)Superintendent of Police/Commandant under whom the member of Force was working may without waiting for formal verification of the award make an immediate advance for the subsistence of the injured member of Force, or in the case of his death to his widow or other eligible survivors, of a sum not exceeding half the amount of gratuity admissible in the case :[Provided that the member of the force sustains injury or meets his death in action against dacoits or in the discharge of equally hazardous duties] [Inserted by Notification No.

865-IV-R-II, dated 21-4-1964.].(2)[The Accountant General, Madhya Pradesh is empowered to grant anticipatory pension/gratuity to the extent of 75 per cent of the admissible amount of the extraordinary pension/gratuity in cases of police personnel killed or injured in operation against dacoits or hostiles in Nagaland.] [Substituted by Notification No. 2302-IV-R-II, dated 22-9-1965.]

I

[Note to clause (5) of Rule 3}Classification of injuriesEqual to loss of limb-Hemiplegia without aphasia.Permanent use of a tracheotomy tube.Artificial anus.Total deafness of both ears.Very severe-Complete unilateral facial paralysis, likely to be permanent.Lesion of kidney, ureter or bladder.Compound fracture (except phalanges).Such gross destruction of soft parts as to lead to permanent disability or loss of function.Severe and likely to be permanent-Ankylosis of, or considerable restriction in, the movement of one of the following joints :-Knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the dorsilumbar or cervical sections of the spine.Partial loss of vision of one eye.Destruction or loss of one testicle.Retention of foreign bodies not causing permanent or serious symptoms.

II

[Rule 9]Injury gratuity and pensionPension

Higher scale: 2/3rd of pay subject to a maximum of Rs. 250.

Lower scale: 1/3rd of pay subject to a maximum of Rs. 100

Gratuity.

Higher scale: 8 months' pay

Lower scale: 6 months' pay

III

[Rule 10]Family pension and gratuity(1)Gratuity, 6 months' pay (1 month's pay plus dearness allowance in the case of non-gazetted police personnel killed as a result of injury received in encounters against dacoits or in the discharge of equally hazardous duties.)(2)Monthly pension- 1/2 of pay.Note 1 - Both gratuity and pension will be paid to the recipient for the support of the family as a whole.Note 2. - The amount of pension equal to half pay to be paid to the recipient shall, however, be increased if it falls short of the aggregate amount of pension required for the support of the family at the following minima and maxima :-

Relation of the family member to the deceased Governmentservant
[See the definition of the "family" in Rule 3(4)]

Minimum of pension

Maximum of pension

(1)

(2)

(3)

(a) [] [Substituted by Notification No. 1453-R-952-IV-R-II, dated

Widow/widower till death or remarriage whichever is earlier[Note below Rule 12 and

20

250

27-6-1966.]	Rule 12-A] [Substituted by Notification No. NKB-6-3-74-N-2, dated 27-5-1974.]may also be referred to.]		
(b) [[Substituted by Notification No. F-B-6-8-81-R-II-IV, dated 15-5-1981.]	(i) Son below 21 years of age whois motherless.(ii) Daughter below 23 years of age who is motherless	2020	7575
(c)	(i) Son below 21 years of age whois not motherless(ii) Daughter below 24 years of age who is not motherless.	1010	5050
(d)	(i) Brother below 21 years of age(ii) Sister below 24 years of age	1010	5050
(e)	Father or mother	20	75]

Provided that the total amount of pension sanctioned on the above basis to various number shall, not exceed the pay of the deceased Government servant on the date of death or injury or Rs. 500 per mensem, whichever is less. Note 3. - If in any case, the total amount of pension calculated as in Note 2 above, exceeds the limit of Rs. 500 or the pay of the deceased Government servant on the date of death or injury a pro rata, reduction shall be made in the amount of each individual share of pension so as to reduce the sum to such limit. Once the share is fixed on pro rata basis it shall not be increased in any event. Note 4. - In the event of there being instances where influential and selfish members in the family of the deceased Government servant may take advantage of the minority or the weakness of other members in the family and thus deprive such minor or weak members of their legitimate share of the pension sanctioned by Government, the competent authority shall have the power to apportion the gratuity and pension sanctioned by Government in each individual member, with a view to eliminating such a contingency. Note 5. - Any award made to family members (under Rule 10) except in the case of widow and children will, in the event of an improvement in the pecuniary circumstances of a pensioner, be subject to review in such manner as the State Government may by order prescribe. [Note 6. [Inserted by Notification No. 2525-IV-N-II-70, dated 30-11-1970.] - Subject to the provisions of Note 5, pension sanctioned to father under these rules will, after his death, be payable to mother.]

IV

Form A[Rule 13 (4)]Form of application for injury pension or gratuity

1. Name of the applicant.....

2. Father's name.....

3. Race, sect and caste.....

- 4. Residence, showing village and pergunnath (Tahsil).....**
- 5. Present or last employment, including name of establishment**
- 6. Date of beginning of service.....**
- 7. Length of service, including interruptions.... of which superior.....inferior non-qualifying and interruptions.....**
- 8. Classification of injury.....**
- 9. Pay at the time of injury.....**
- 10. Proposed pension or gratuity.....**
- 11. Date of injury.....**
- 12. Place of payment.....**
- 13. Special remarks, if any.....**
- 14. Date of applicant's birth by Christian era.....**
- 15. Height.....**
- 16. Marks, thumbs and finger impression, thumb, fore-finger, middle- finger, ring-finger, little finger.....**
- 17. Date on which the applicant applied for pension.....**

Signature of Head of Office
Note. - In the case of European ladies, gazetted officers, Government title-holders and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required.
Form B [Rule 13] Form of application for family pension
Application for an extraordinary pension for the family of A.B. late a... killed, or died of injuries received, as a result of special risk of office or risk of office; submitted by the.....
Description of Claimant-

- 1. Name and residence, showing village and pergunnath (Tahsil). . .**

2. Age.....
3. Height.....
4. Race, caste or tribe.....
5. Marks for identification.....
6. Present occupation and pecuniary circumstances.....
7. Degree of relationship to deceased.....
- Description of deceased :-
8. Name.....
9. Occupation and service
10. Length of service.....
11. Pay when killed.....
12. Nature of injury causing death.....
13. Amount of pension or gratuity pension.....
14. Place of payment.....
15. Date from which pension is to commence.....
16. Remarks.....

[Name.....Date of birth by Christian era] [If not known exactly, must be stated on the best information or estimate.]Name and ages of surviving kindred of

deceased-Sons.....Widows.....

- If the deceased has left no son, widow, daughter, father or mother surviving him, the word, "none" or "dead" should be entered opposite to each

relative.Place.....Date.....Signature of Head of Office.Form C[Rule 13](Form to be used by Medical Boards when reporting on injuries)Proceedings of a medical boardConfidentialProceedings of a Medical Board assembled by order of for the purpose of examining and reporting on the present state of the injury sustained by/disease contracted by at

(Place of injury, etc.) on the..... (date of injury, etc.)(a)State briefly the circumstances under which the injury /disease was sustained/contracted.(b)What is the Government servant s present condition?(c)Is the. Government servant's present condition wholly due to the injury/disease? If not state to what other causes it is attributable.(d)In the case of disease, from which date does it appear that the Government servant has been incapacitated?The opinion of the Board upon the question below is as follows:

Part A – .-First Examination

The severity of the injury should be assessed in accordance with the following classification and details given in the remarks column below:

1. Is the enquiry- Yes No

(i)(a)The loss of an eye or a limb?(b)The loss of more than one eye or a limb?(ii)More severe than the loss of any eye or a limb?(iii)Equivalent to the loss of an eye or a limb?(iv)Very severe?(v)Severe and likely to be permanent?(vi)Severe but not likely to be permanent?(vii)Slight but likely to be permanent?

2. For what period from the date of the injury-

(a)Has the Government servant been unfit for duty?(b)Is die Government servant likely to remain unfit for duty?Remarks. - Here the classification above may be amplified if necessary or details of additional injuries to the main injury may be given.

Part B – Second or subsequent examination

If the original degree of disability of the Government servant has changed in which of the above categories should be now placed?Remarks. - In this space additional details may be given, if necessary.Instructions to be observed by the Medical Board for preparing the report

1. The Medical Board before recording their opinion should invariably consult the proceedings of previous Medical Boards, if any, as also all previous medical documents connected with the Government servant brought before them for examination.

2. If the injuries be more than one they should be numbered and described separately and should it be considered that for instance, though only 'severe' or 'slight' in themselves, they represent together the equivalent of a single 'very severe' injury, such an opinion may be expressed in the column provided.

3. In answering the questions in the prescribed form the Medical Board will confine exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the medical and documentary evidence available.

4. The Board will not express any opinion either to the Government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the Government servant how the injury has been classified.