

# Tamil Nadu Pension Rules, 1978

TAMILNADU

India

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### Rule TAMIL-NADU-PENSION-RULES-1978 of 1978

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Tamil Nadu Pension Rules, 1978 Last Updated 17th February, 2020 Chapter - I Preliminary

#### 1. Short title and commencement.

(1) These rules may be called the Tamil Nadu Pension Rules, 1978. (2) They shall be deemed to have come into force on the 1st January 1979.

#### 2. Application.

- Save as otherwise provided in these rules, these Rules shall apply to all Government Servants appointed to Services and posts in connection with the affairs of the State which are borne on pensionable establishments, whether temporary or permanent, but shall not apply to -(a) Persons in casual and daily rated employment; (b) Persons paid from contingencies; (c) Persons employed on contract except when the contract provides otherwise; (d) Members of the All-India Services; (e) Persons entitled to the benefit of a Contributory Provident Fund; (f) Persons who are entitled to the benefits under the Factories Act, 1948 and the Employees Provident Fund Act, 1952 excluding those who are governed by Statutory Service Rules and belong to pensionable service. [Provided that these rules shall not apply to Government servants appointed on or after the 1st April 2003, to services and posts in connection with the affairs of the State which are borne on pensionable establishment, whether temporary or permanent.] [Proviso added to Rule 2 - G.O.Ms.No.259, Finance (Pension) Department, dated 06-08-2003.]

#### 3. Definitions.

- In these rules, unless the context otherwise requires-(1)(a) 'Audit Officer' means the Accountant - General, Tamil Nadu, for service under the Tamil Nadu Government and the appropriate Audit Officer, for service under any other Government or body; (b) 'Average Emoluments' means average emoluments as determined in accordance with rule 31; (c) 'Child' means a child of a Government

Servant who if a son, is under [21 years] [Definition (c) for each of the expression '21 years' and '30 years', the expression '25 years' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] 25 years of age and if a daughter is unmarried, and is under [24 years] [Definition (c) for the expression '24 years', the expression '30 years' substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29th January 1987.] [30 years] [Definition (c) for each of the expression '21 years' and '30 years', the expression '25 years' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] 25 years of age and the expression children shall be construed accordingly;(cc)[ 'Dearness Allowance' means allowances as defined in rule 50-A;] [Definition (cc) inserted - G. O.Ms.No. 902, Finance (Pension) Department, dated 26-11-1992.](d)'Emoluments' means emoluments as defined in rule 30;(e)[ 'Family Pension' means 'Family Pension, 1964' admissible under rule 49 but does not include dearness allowance;] [Definition (e) substituted for 'family pension ' means contributory family pension admissible under rule 49 and includes non-contributory family pension admissible under rule 50; ' - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.](f)'Foreign Service' means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or Consolidated Fund of a State or the Consolidated Fund of a Union territory;(g)'Form' means a Form appended to these rules;(h)'Government' means the Government of Tamil Nadu;(i)'Gratuity' includes-(i)'Service gratuity' payable under sub-rule (1) of rule 43(ii)'Death- cum- retirement gratuity' payable under sub-rule (I) of sub- rule (3) of rule 45; and(j)'Head of a Department' means and include-(i)Officers who have been declared by the Government to be Heads of Department;(ii)Any other authority to which Government may delegate the powers of Head of a Department;(k)'Local Fund administered by Government' means the fund administered by a body which by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retain complete and direct control;(l)'minor' means a person who has not completed the age of eighteen years;(m)[ 'pension' includes gratuity except when the term pension is used in contradistinction to gratuity but does not include dearness allowance;] [Definition (m) substituted for 'pension ' includes gratuity except when the term pension is used in contradistinction to gratuity;' in G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.](n)'pension sanctioning authority' means the authority competent to sanction pension under rule 55;(o)'qualifying service' means permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment;(p)'retirement benefits' include pension or service gratuity and death-cum-retirement gratuity, where admissible;(q)pension is said to be chargeable according to the 'rule of proportions' when the charge is debitable to several accounts in the proportions in which, the aggregated pay drawn by the officer during the whole of his qualifying service has been paid from them;Note. - (i) Duty allowance and deputation (duty) allowance should be included in pay for the purpose of this rule.(ii)If according to the rule of proportions the share of pension chargeable to one account does not exceed one rupee no charge shall be made to this account; and the share shall be borne by the account chargeable with the greatest share.(r)'Treasury' includes a Sub-Treasury(2)Words and expressions used herein and not defined but defined in the Fundamental Rules have the meanings respectively assigned to them in those rules.

#### **4. Government servants transferred from services and posts to which these rules do not apply.**

(1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service of posts to which these rules do not apply shall become subject to these rules; Provided that it shall be open to him, within six months or the date of issue of the order of his permanent transfer or, if he is on leave on that day, then within six months of his return from leave whichever is later to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer. (2) The option under the proviso to sub-rule (1) shall be exercised in writing and communicated to the authority making such order of transfer. (3) The option once exercised shall be final. Chapter - II General Conditions

#### **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. (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.] [Rule 5(2) substituted - G.O.Ms.No.590, Finance (Pension) Department, dated 09-10-1998 with effect from 1st January 1979.] [Provided that in the case of a Government servant who is retired \* prematurely or who retires voluntarily under clauses (d) and (e) of Rule 56 of the Fundamental Rules or Rule 42 of these rules, as the case may be, the date of retirement shall be treated as non-duty day.] [Proviso to Rule 5(2) added - G.O.Ms.No.54, Finance (BG-UI) Department, dated 03-02-1982.] (3) The Government reserve to themselves the right of changing these rules regarding pension, from time to time at their discretion and of interpreting their meaning in case of dispute.

#### **6. Full pension subject to approved service.**

(1) Except for [\*\*\*] [Rule 6(1) the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension admissible under rule 49, full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by such Government servant has been approved by the pension sanctioning authority as satisfactory. (2) If such service has not been satisfactory, the pension sanctioning authority may make such reduction in the amount of pension or gratuity, or both, as it thinks proper: Provided that no order regarding reduction in the amount of pension or gratuity or both shall be made unless the Government servant has been given a reasonable opportunity for making a representation in the matter: Provided that further in a case where the pension sanctioning authority is subordinate to the Government, no order regarding reduction in the amount of pension shall be made without the approval of the Government: Provided also that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 43. Note. - The reduction in pension under the above rule shall be affected in whole rupees and shall not be expressed on percentage of pension. (3) For the purposes of sub-rule (2), the expression 'Pension sanctioning

authority' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.(4)The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.(5)[ Before passing an order reducing the amount of pension or gratuity or both under this rule, Tamil Nadu Public Service Commission shall be consulted if the Government Servant does not agree to such reduction. The Tamil Nadu Public Service Commission need not be consulted in cases where the Government Servant agrees to the reduction in the amount of pension or gratuity or both, but a copy of the order passed by the Government in such cases shall be sent to the said Commission.] [Rule 6(5) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-8-1993 with effect from 11th November 1988.](6)Nothing contained in this rule shall apply -(a)where a part of pension has been withheld or ordered to be recovered under rule 9 : or(b)where a part of pension has been reduced under rule 39.(c)to effect any recovery which has the effect of punishment.

## **7. Limitation 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 16, 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:(b)The pension sanctioning authority may by order in writing withhold or withdraw a pension or 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:Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service:Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.(2)Where a pensioner is convicted of a serious crime by a court, 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 pension sanctioning authority, such representation as he may wish to make against the proposal: and(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 Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.(5)An appeal against an order passed under sub-rule (1) by any authority other than the Government, shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission pass

such orders, on the appeal as they deem fit. Note. - 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 interest of the general public or the security of the State.

**8A. [ Prohibition of membership of any Communal Organisation, etc. [Rule 8A. added - G.O.Ms.No.89, Finance (Pension) Department, dated 25-2-2000 with effect from 25-02-2000.]**

(1) No pensioner shall be a member of, or be otherwise associated with any organisation:- (a) which promotes or attempts to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity hatred or ill will between different religious, racial, language or regional groups or castes or communities, or (b) whose activities are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquility; or (c) which organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence, or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community.] (2) If any question arises whether any organization falls under sub-rule (1), the decision of the Government thereon shall be final. (3) If a pensioner violates the sub-rule (1), the pension sanctioning authority may by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period. Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service. Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43. (4) The authority referred to in sub-rule (3) shall, before passing an order thereunder, - (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 pension sanctioning authority, such representation as he may wish to make against the proposal; and (b) take into consideration the representation, if any, submitted by the pensioner under clause (a). (5) Where the authority competent to pass an order under sub-rule (3) is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed. (6) An appeal against an order passed under sub-rule (3) by any authority other than the Government shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission, pass such orders on the appeal as they deem fit.

## 9. Right of Government to withhold or withdraw pension.

(1)(a) The Government reserve to themselves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon reemployment after retirement, and such withholding or withdrawing the pension may be effected irrespective of the fact whether or not any pecuniary loss on account of such grave misconduct or negligence was caused to the Government, to any local body or to any Co-operative Society comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act, 1961; [Provided that before passing an order under this sub-rule withholding or withdrawing the pension of a pensioner, the Tamil Nadu Public Service Commission shall be consulted if the pensioner does not agree to such withholding or withdrawal of the pension. The Tamil Nadu Public Service Commission need not be consulted in cases where the pensioner agrees to withholding or withdrawal of the pension but a copy of the orders passed by the Government in such cases shall be sent to the said Commission.] [First proviso to Rule 9(1)(a) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-08'1993 with effect from 16th August 1993.] Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.(b) In case there is any pecuniary loss caused to the Government, to any local body or to any co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies. Act. 1961, and if in any, departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement, the Government shall also have the right of ordering recovery from the Pension [or Death-cum-Retirement Gratuity] [Rule 9(1)(b) the expression 'or Death-cum-Retirement Gratuity' inserted - G.O.Ms.No. 1258, Finance (Pension) Department, dated 29-11-1990] of the whole or part of the pecuniary loss caused by such grave misconduct or negligence: Provided that the Tamil Nadu Public Service Commission shall be consulted before any final orders under this clause are passed. Explanation. - 'Judicial Proceeding' shall include proceeding before any Tribunal constituted by an Act of Parliament or the State Legislature or by a Rule.(2)(a) The department proceeding 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: Provided that where the departmental proceedings are instituted by an authority subordinate to the Government that authority shall submit a report recording its findings to the Government.(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 Government; (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 Government 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) [\*\*\*] [Rule 9(3) omitted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-4-1994.](4) In the case of a Government servant who has retired on

attaining the age of superannuation or otherwise and against whom any departmental proceedings are continued under sub-rule (2), [or any enquiry is being conducted by the Director of Vigilance and Anti Corruption] [Rule 9 (4) the expression 'or any enquiry is being conducted by the Director of Vigilance and Anti Corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 02-05-1988 with effect from 1st October 1999.], a provisional pension as provided in rule 60 or rule 69 as the case may be, shall be sanctioned.(5)Where the Government decide not to withhold or withdraw pension but order 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 include the enquiry pending before the Tribunal for disciplinary proceedings.] [Rule 6(a) added and clauses (a) & (b) renumbered as (b) and (c) G.O.Ms.No.174, Finance (Pension) Department, dated 16-02-1990 with effect from 1st January 1979.](b)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(c)judicial proceedings shall be deemed to be instituted-(i)In the case of criminal proceedings, on the date of complaint or report of a police officer, of which the Magistrate take, cognizance, is made, and(ii)in the case of civil proceedings, on the date on which client is presented in the court.Note. - (1) As soon as proceeding of the nature referred to in the above rule are instituted, the authority which institutes such proceedings should without delay, intimate the fact to the Accountant-General concerned.Note. - (2) If an officer against, whom an enquiry is held is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g., dependants, or pecuniary resources or property disproportionate to his known sources of income, a charge of corruption should be presumed to have been proved against him and the case will come within the purview of this rule. The position is that the term "grave misconduct" used in this rule is wide enough to include corrupt practices. In cases where the charge of corruption is proved only after pension has been sanctioned, and it is not therefore possible to invoke the provisions of rule 6, action to withhold or withdraw pension may be taken under this rule. In this connection [the provision of rule 9 (2) is] [Rule 9(6)(c)(ii) Note (2) for the expression 'the provisions of rules 9(2) and 9(3) are', the expression 'the provisions of rules 9(2) is' substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.] to be noted carefully. In accordance with these provisions the property or pecuniary resources in respect of which the [departmental proceedings] [Rule 9(6)(c)(ii) Note (2) for the expression 'the departmental or judicial proceedings ', the expression 'the departmental proceedings ' substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.] are instituted under rule 9 should have been acquired by the person concerned or any other person on his behalf any time within the period of four years before the institution of such proceedings if not instituted while the officer was on duty either before retirement or during re-employment.

## **10. Commercial and private employment after retirement.**

(1)If a pensioner to whom this rule applies wishes to accept any employment, whether commercial or private, before the expiry of two years from the date of his retirement or any employment under a Government outside India at any time, he should obtain the previous sanction of the Government to such acceptance.(2)Subject to provisions of sub-rule (3), the Government may, by order in writing

on an application made by a pensioner grant, subject to such conditions, if any, as it may deem necessary permission, or refuse permission for reasons to be recorded in the order, to such pensioner to take up the commercial/private employment specified in the application.(3)If any pensioner takes up any commercial/private 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/private 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 and also be entitled to the whole or such part of the pension and for such period as may be specified in the order.(4)The rules shall to all pensioners who immediately before retirement were [gazetted] [Rule 10(4) for the word 'gazetted' occurring in two places, the words 'self drawing' substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] self drawing officers under the rule-making control of the Government or were on leave preparatory to retirement and would have held [gazetted] [Rule 10(4) for the word 'gazetted' occurring in two places, the words 'self drawing' substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] self drawing posts but for proceeding on such leave.(5)For the purposes of this rule employment under a Government outside India shall include 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.Note. - (1) No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pensions.Note. - (2) In the case of a pensioner who is re-employed under the Government the period of two years shall be reckoned from date of termination of his re-employment.Note. - (3) In this rule "commercial employment" means a 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 a partnership of such firm and also include employment under a body corporate owned or controlled by Government.Explanation I. - Employment under co-operative society shall include 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 a society.Explanation II. - For the purpose of this rule, commercial employment shall also include setting up practice, either independently or as a partner of a firm, as adviser or- consultant in matter in respect of which a retired Government servant.(i)has no professional qualifications and the matter in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or(ii)has professional qualification 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(iii)has to undertake work involving liaison or contract with the offices or officers of the Government. -Chapter - III Qualifying Service

## 11. Commencement of qualifying services.

(1)Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. In the case of a Government servant retiring on or after the first October 1969, [\*\*\*] [Rule 11, the word 'continuous' omitted - G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995.] temporary or officiating service in the



pensionable post whether rendered in a regular capacity or not shall count in full as qualifying services even if it is not followed by confirmation. Note. - In the case of the employees of the former Pudukkottai State and persons transferred from the former Travancore-Cochin State consequent on the reorganisation of States, temporary or officiating service rendered in a regular capacity under\* the former Pudukkottai State or the former Travancore-Cochin State shall count in full for purposes of pension. Provided that - (a) in the case of a Government servant, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity; (b) in the case of a Government servant whose year and month of birth are known, but not the exact date the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date 15<sup>th</sup> July of the year shall be taken. (c) in the case of a Government servant with no military service who gives on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the given age and then the date of birth should be taken as the 1<sup>st</sup> July of that year: Provided further that in the case of a Government servant with previous military service the date of birth is fixed as laid down below - When a military employee is transferred to a civil department under the Government and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation. When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation e.g., if ex-soldier was enrolled on 1<sup>st</sup> January 1910 and if on that date, his age was stated to be 18, his date of birth should be taken as 1<sup>st</sup> January 1892. This procedure will apply to cases arising on or after 27<sup>th</sup> June 1938. Notwithstanding anything contained above, in cases where S.S.L.C or any other school certificate is available, the date of birth, as entered therein should be taken into account. [Explanation. - For the purpose of date of birth, the word "attestation" refers only to the initial records kept by the Defence Department at the time of appointment of the individual and not in the discharge from the discharge the Defence Department.] [Explanation to Rule 11 added - G.O.Ms.No.736, Finance (Pension) Department, dated 30-8-1994 with effect from 1<sup>st</sup> January 1979.] (2) [Half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service subject to the following conditions: - (i) Service paid from contingencies shall be in a job involving whole time employment and not part-time for a portion of the day. (ii) Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar. (iii) Service shall be for which the payment is made out on monthly or daily rates computed and paid on a monthly basis and which, though not analogous to the regular scale of pay, shall bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments. (iv) Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break. (v) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies shall be limited to the period after the 1<sup>st</sup> January 1961 for which authentic records of service may be available. (vi) Pension or revised pension admissible as the case shall be paid from the 23<sup>rd</sup> June, 1988.] (3) [Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions: - (i) Service under non-pensionable establishment shall be in a job involving whole time employment. (ii) Service under non-pensionable establishment shall be on time scale of pay and (iii) Service under non-pensionable establishment shall be continuous and followed by

absorption in pensionable establishment without a break. Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.] [Rule 11(3) and Proviso added - G.O.Ms.No.679, Finance (Pension) Department, dated 26-11-1998 with effect from 14th February 1996.](4)[ Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government -employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-(i)Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;(ii)Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;(iii)Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break. Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003. Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.] [Rule 11(4) and Proviso added - G.O.Ms.No.41, Finance (Pension) Department, dated 09-02-2010.]

## **12. Conditions subject to which service qualifies.**

(1)The service of a Government servant shall not qualify for pension unless his duties and pay are , regulated by the Government or under conditions determined by the Government.(2)For the purposes of sub-rule (1) the expression "service" means service under the Government and paid by the Government from the Consolidated Fund of the State, or a local fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.(3)Temporary Central Government servants on deputation to the State, on getting absorbed under this Government will be allowed to count the period of continuous temporary service under the Central Government immediately preceding the service under this Government for purpose of pensionary benefits admissible under the rules of this Government. The pensionary liability will be shared between the Central and this Government on the basis of length of qualifying service rendered under each of them. This benefit will not be allowed to those who secure jobs under this Government on their own volition in response to advertisements or circulars including those by the Tamil Nadu Public Service Commission. -(4)[ (a) Temporary Central Government Servant who has been appointed under the State Government Service shall be allowed to count their qualifying service rendered under the Central Government Service for the grant of pension by the Government from where he eventually retires in the following two categories, namely:-(i)Person who having been retrenched from the service of the Central Government, secures employment under the State Government either with or without interruption of service from the date of retrenchment; and(ii)Person who while holding temporary post under the

Central Government applies for the post under the State Government, through proper channel or with proper permission of the administrative authority concerned.(b)The pensionary liability will be shared between the Central and State Government on the basis of length of qualifying service rendered under the respective Government.][Provided that when a Government Servant retires on Or after the 15th April, 1987, the liability for pension including gratuity will be borne in full by the Central Government or the State Government under which the Government Servant is permanently absorbed at the time of retirement.] [Proviso to Rule 12(4) added - G.O.Ms.No.39, Finance (Pension) Department, dated 13-01-1995 with effect from 1st April 1987.](5)[ (a) Temporary Local Body employee or State Government servant who has been appointed under the State Government service or under any Local Body, as the case may be, shall be allowed to count his qualifying service rendered under the respective Local Body or the State Government service, as the case may be, for the grant of pension by the State Government or-Local Body from where he eventually retires in respect of the following two categories, namely(i)Person who having been retrenched from the service of the Local Body or State Government, secures employment under the State Government or Local Body, as the case may be, either with or without interruption of service from the date of retrenchment; and(ii)Person who, while holding temporary post under the State Government or Local Body applies for a post under any Local Body or State Government, as the case may be, through proper channel or with proper permission of the administrative authority concerned.(b)The pensionary liability shall be shared between the respective Local Body and the Government, as the case may be, on the basis of length of qualifying service rendered under each of them.Provided that when a person retires on or after the 1st April 1987, the liability for pension including gratuity shall be borne in full by the respective Local Body or the State Government, as the case may be, under which such person has been permanently absorbed at the time of retirement.] [Rule 12(5) and Proviso added - G.O.Ms.No.558, Finance (Pension) Department, dated 10-07-1995 with effect from 22nd July 1982]

### **13. Counting of service as apprentice.**

- Service as an apprentice does not qualify for pension.

### **14. Counting of service on contract.**

(1)Any person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either -(a)to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service; or(b)to agree to refund to the Government the monetary benefits referred to in clause (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.(2)The option under sub-rule (1) shall be communicated to the Head of Office under intimation to the Audit Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government servant is on leave on that day, within three months of his return from leave, whichever is later.(3)If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government servant shall be deemed to have opted

for the retention of the monetary benefits payable or paid to him on account of service rendered on contract.

## **15. Counting of pre-retirement civil service in the case of re-employed Government servants.**

(1) A Government servant who, having retired on compensation, pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these rules apply may exercise option either - (a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service; or (b) [to cease to draw his pension and refund - [Rule 15.(1)(b) substituted and Proviso with Explanation added - G.O.Ms.No.246, Finance (BG-1JJ) Department, dated 19-4-1982.](i) the pension already drawn, and (ii) the value received for the commutation of part of pension, and (iii) the amount of death-cum-retirement gratuity including service gratuity, if any and count the previous service as qualifying service: Provided that - (i) the pension drawn prior to the date of re-employment shall not be required to be refunded; (ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him; (iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him. Explanation. - In this clause, the expression 'which was taken into account\*' means the amount of pension including the pension equivalent of gratuity by which pay of the Government Servant was reduced on initial re-employment and the expression 'which was not taken into account' shall be construed accordingly.] [Rule 12(4) added - G.O.Ms.No.38, Finance (Pension) Department, dated 13-01-1995 with effect from 22nd July 1982.](2) [ (a) The authority issuing the order of substantive appointment to a service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b).] [Rule 15(2)(a) substituted- G.O.Ms.No.275, Finance (BG-III) Department, dated 20-4-1981.](b) If no option is exercised within the period referred to in clause (a), the Government servant shall be deemed to have opted for clause (a) of sub-rule (1)(3) in the case of a Government servant who opts for clause (a) of sub-rule (1) the pension or gratuity admissible for his subsequent service is subject to the limitation, that service gratuity or the capital value of the pension and death-cum-retirement gratuity, if any, shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service. Note. - The capital value of pension shall be calculated in accordance with the Table prescribed under the Civil Pensions (Commutation) Rules applicable at the time of the second or final retirement.(4)(a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the gratuity received in respect of his earlier service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.(b) The right to count previous

service as qualifying service shall not revive until the whole amount has been refunded.(5)In the case of a Government servant, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefunded gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.

## **16. Counting of military service rendered before civil employment.**

(1)A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered military service after attaining the age of eighteen years, may opt either -(a)to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or(b)to cease to draw his pension and refund -(i)the pension already drawn, and(ii)the value received for the commutation of a part of military pension, and(iii)the amount of death-cum-retirement gratuity including service gratuity, [if any along with interest at the rate of six per cent from the date of rejoining by such Government Servant in the Civil Service or post] [Rule 16(1)(b)(iii) for the expression 'if any' substituted -G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 12th February 1995.], and count previous military service as qualifying service, in which case the service as allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere, which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government:Provided that -(i)the pension drawn prior to the date of re-employment shall not be required to be refunded;(ii)the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;(iii)the element of pension equivalent of gratuity including the element of commuted pay of pension if any, which was taken into account for fixation of pay shall be set off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.Explanation. - In this clause, the expression 'which was taken into account' means the amount of pension including pension equivalent of gratuity by which the pay of the Government servant was reduced on initial re-employment and the expression "which was not taken into account shall be construed accordingly."(2)[ (a) A Government servant who is re-employed in a civil service or post, as referred to in sub-rule (1), shall be allowed to exercise the option under that sub-rule within a period of one year from the date of joining of such Government servant in the civil service or post.Provided that a re-employed military personnel in the civil service or post prior to the 13th February 1995 shall also be allowed to exercise option under sub-rule (1) within a period of six months from the date of the 13th February 1995 for counting his military service as qualifying service along with civil service or post subject to the provisions of clause (a) of sub-rule (3).] [Rule 16(2)(a) substituted and Proviso added - G.O.Ms.No,S45, Finance (Pension) Department, dated 07-11-19951995 with effect from 13th February 1995.](b)if no option is exercised within the period referred to in clause (a), the Government servant shall be deemed to have opted for clause (a) of sub-rule (1).(3)[ (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the amount of pension or gratuity, if any, received in respect of his earlier military service along with interest at the rate of six per cent from the date of rejoining by such Government servant in the civil service or post in monthly instalments not exceeding thirty six in number, the first instalment beginning from the

month following the month in which he exercised the option.] [Rule 16(3)(a) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 13th February 1995.](b)The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.(4)In the case of Government servant who, having elected to refund the pension or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.(5)When an order is passed under this rule allowing previous military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condemnation of interruption in service, if any, in the military service and between the military and civil service. -(1)In future the previous military service of ex-soldiers employed in the Civil Department should be verified by reference to the Defence Accounts Department as the responsibility for the verification of such service devolves on that department instead of either from the information contained in the discharge certificates of exsoldiers or by reference to the officer-in-charge of the Regimental records of the Regimental district concerned.(2)Head of Departments and other officers responsible for the record of service of ex-military men subsequently absorbed in civil employments under them should evolve that pay particulars of such men are obtained from the Audit Officers of the Defence Department concerned, i.e., Controller of Defence Accounts, or Field Controller of Defence Accounts as and when they are entertained in civil employment. On no account should references to the military authorities be postponed till the individuals retire from the civil employment, since the records connected with such matters will be preserved only for a period of 12 years and no reply can be furnished by them for want of pay particulars.

## **17. Counting of war service rendered before civil employment.**

- A Government Servant, who prior to his appointment in a Civil service or post against war reserve or other permanent vacancy which arose for direct recruitment before the 1st January 1948, had rendered satisfactory paid whole-time, enlisted or commissioned war service in the Armed Forces of India or in similar forces of a Commonwealth Country during the period from the 3rd September 1939 to the 1st April 1946, which did not earn a service pension under the military rules, shall be allowed to count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, as qualifying service, subject to the following conditions, namely:-(i)Completed years of the said war service shall be allowed to count up to maximum of five years.(ii)In the case of services/post in which a minimum age is fixed for recruitment no war service rendered below that age shall be allowed to count for pension, and in the case of services/ posts in which no minimum age is fixed, no portion of war service, rendered before attaining the age of eighteen years shall be allowed to count for pension.(iii)"War service" rendered in the Armed Forces of India and rendered in similar forces of Commonwealth Country shall be allowed to count alike for pension; no contribution towards or share of a pension earned as a result of this concession being claimed from the foreign Government concerned; and(iv)No refund of bonus or gratuity paid to the employees in respect of such war service shall be demanded from the employees.Note 1. - The provisions contained in clause (1) shall not apply to 'war service' followed by civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after the 1st July 1960,Note 2. - The condition of completed years of 'war service' laid down in clause (1)

Shall not apply in the case of persons who had retired or died or may retire or die on or after the 1st July 1960, and had a break between their "war service" and civil service. In such cases, the "war service" including the fraction of a year (up to and inclusive of five years service) shall be added to the subsequent civil service. The resultant fractions of a year equal to six months and above shall be, treated as a completed six monthly period, fraction of a six monthly period, if any being omitted.

Note 3. - The service rendered by persons during World War II in the Civil Defence Department shall also be treated as "war service".

Note 4. - (i) Where the benefit of added years of service under rule 27 is admissible, war / military service rendered after the completion of thirty years of age will be counted towards civil pension. (ii) For the purpose of rule 27 the length of service should not include the war / military service counted under this rule.

Note 5. - The terms 'war reserved' or 'other' vacancies referred to in this rule should be deemed to refer to vacancies arising in the permanent cadre.

Note 6. - In respect of cases falling within the scope of this rule the Heads of Departments should record the periods of military service claimed by [non-self drawing Government servants] [Rule 17 in Note 6, for the words 'non-gazetted officers' and 'Gazetted officers', the words 'non-self drawing Government servants' and 'self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] under their control in their service books after verifying the period of military service by reference to the Controller of Defence Accounts concerned and after they are accepted by the Accountant-General. Military Services of [Self drawing Government servants] [Rule 17 in Note 6, for the words 'non-gazetted officers' and 'Gazetted officers', the words 'non-self drawing Government servants' and 'self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] should after verification by the Controller of Defence Accounts be submitted to Government through the Accountant-General for approval. The service rendered in the Civil Defence Department should be got verified with reference to the entries in the service books of the individuals concerned and the discharge certificate produced by them.

Note 7. - In respect of 'war service' candidates appointed permanently to civil posts against vacancies arising after the 31st December 1947, 'war service' rendered during the last war by itself or in conjunction with other military services shall be allowed to count towards civil pension. The concession will also be subject to the following conditions:- (i) The officer concerned should not have earned a pension under the military rules in respect of the services in question ; (ii) In the case of .services or posts in respect of which minimum age is fixed for recruitment, no military or war services rendered below that age shall be allowed to count for pension; (iii) 'War services' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth Country shall be allowed to count alike for pension and no contribution towards or share of a pension earned as a result of the concession shall be claimed from the foreign Government concerned; (iv) No refund of .bonus or gratuity paid in respect of his, 'war service' shall be demanded from the officer concerned. If, however, the officer has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable. Also, if any portion of the services is allowed to count towards civil pension under rule 16 of the rules the provision in Note 13 below in regard to refund of gratuity shall mutatis mutandis apply ; and (v) [ The approved military / war service shall be counted as qualifying service along with civil service without any condonation of the break irrespective of the duration of break between the two period of service. The break of interruption itself shall under no circumstances be reckoned as qualifying service for pension. [Rule 17, Note-7, Item (v) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 1st January 1979.] Provided that

the arrears for the eligible pensioners under this condition shall be payable with effect from the 10th October, 1990.] [Rule 11(2) added and Rule 11 renumbered as 12 (1) - G.O.Ms.No.283, Finance (Pension) Department, dated 15-4-1996.] In the case of a person who has break in his military/war ' service, the period of break for this purpose shall be calculated from the date of discharge from the military / war service in the last spell and the previous spell / spells shall also be counted for civil person subject to the fulfillment of the other conditions for counting war / military service, Explanation 1. - The benefits of the concession in this note are also applicable to persons who were initially recruited against temporary vacancies which arose prior to 1st January 1948 but made permanent subsequently provided all other conditions relating to counting of war service towards civil pension are satisfied in their cases. Explanation 2. - In a case where the disability pension includes service element, this element shall be surrendered, before the war/military service is allowed to count towards civil pension. In a case where a Government servant gets disability pension after he becomes eligible for ordinary pension also and that element or ordinary pension is included in the disability pension, he is not eligible to count war/military service towards civil pension in terms of this note. Note 8. - In a case where an officer is entitled in respect of the 'war service' rendered between the 3rd September 1939 and the 1st April 1946 to the concession under rule 17, he may either avail himself of the concession under Note (3) above in respect of the whole of his military service including 'war service' or count the service rendered during the war period for civil pension under this rule as the case may be, and the remaining service rendered before or after the war period to the extent of one half of the service. If however in the later case, the officer concerned has rendered any military service permissible under the military rules and satisfying the conditions laid down in Rule 16 before or after the war period, but did not claim a pension by his 'war service' in conjunction with his military service, in provisions in Note 13 below shall mutatis mutandis apply. Note 9. - A Civil employee to whom the provisions of this rule apply, who enlisted for service during World War II and who left the Army on demobilisation at the end of that war, is entitled subject to the conditions in the rule to count such military service for Civil pension irrespective of whether it was pensionable or not under the Military Rules. Such title is, of course subject to the proviso that a military pension has not as a matter of fact been earned in respect of it in conjunction with other military service rendered before or after the War. Note 10. - In respect of the 'war service' candidates who retired or died or may retire or die on or after 1st July 1960 continuous war/military service shall count in full towards Civil Pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in Civil Service. This concession will be subject to the following conditions:-(i) The Officer concerned should not have earned a pension under the military rule in respect of the service in question; (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age shall be allowed to count for pension; (iii) 'War Service' rendered in the Armed Forces of India and rendered in similar Force of Commonwealth Country shall be allowed to count alike for pension and no contribution towards, or share of, a pension earned as result of this concession shall be claimed from the foreign Government concerned; and (iv) No refund of bonus or gratuity paid in respect of his 'war service' shall be demanded from the officer concerned. If, however, the Officer has been granted any retirement gratuity for service covering both the war and post war period, such gratuity shall be refundable. The provisions in this Rule and that in Notes 7 and 8 of this Rules shall continue to apply in the case of Tamil Nadu Government servants who retired or died before 1st July 1960 and also in the case of those who retired or died or



may retire or die on or after that date if there was a break between war/military service and civil service. The service rendered by persons during World War II in the Civil Defence Department and in the Civil Pioneer Force Civil Labour Unit shall also be treated as 'war service' for the purpose of this Note. Explanation 1. - The service in the Civil Defence Department shall mean only the service rendered in the Civil Defence Department (including A.R.P. Service) of the Composite Madras State Government, i.e., areas which constituted Madras State as on 30th September 1953. The provisions in this Rule and that in this Note shall not apply to the service rendered in the Civil Defence Department (including A.R.P. Service) of the Central and other State Governments. Explanation 2. - The whole time service of any of the kinds specified below . shall be recognised as war service (a) Service in any kind in a unit or formation for service overseas or in any operational areas; (b) Service in India under military, munitions or store authorities with a liability to serve overseas or in any operational area; (c) All other service involving subjects to naval, military or air force law; (d) A period of training with a military unit or formation involving liability to serve overseas or in any operational areas; (e) Service in any civil defence organisation specified in this behalf by the Central or the State Government; and (f) (i) Any service connected with the prosecution of the war which a person is required to undertake by a competent authority under the provisions of any law for the time being in force; and (ii) Such other service as may here after be declared as war service for the purpose of this definition. The benefit of counting war service other than that in Civil Defence Organisation as defined above will apply only to those who retire or die on or after 4th March 1966. The benefit of counting of service in Civil Defence Organisation will apply to all persons who had already retired and who are still in service. Note 11. - Continuous military (non-regular / purely temporary) service not rendered in conjunction with war service in the Army, Navy and Air Force will count in full towards Civil pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in civil service. The grant of this concession is subject to the following condition: - (i) The officer concerned should not have earned a pension under the military rules in respect of the service in question. (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military service rendered, below that age shall be allowed to count for pension. If the Officer has been granted any retirement gratuity in respect of such service, such gratuity shall be refundable. Explanation. - Interruption between the military (non-regular or purely temporary) service and Civil Service shall be condoned under special orders of Government. In such cases the liability in respect of military service shall be borne by the defence authorities and the Government servant shall be required to refund the service gratuity, if, any received by him in respect of the military service rendered by him, before he is allowed to count that service towards civil pension. Note 12. - The gratuity refundable under this rule should be credited to the authorities who will bear the pensionary liability for the period of service allowed to be counted towards pension. As the pensionary liability or war service devolves on Tamil Nadu Government and that for the military service (other than war Service) on the Defence authorities the retirement gratuity in respect of service covering war period shall be refunded and credited to the Tamil Nadu Government and the retirement gratuity in respect of military services (other than service covering war period) shall be refunded and credited to Defence authorities. Note 13. - (i) In the case of a civil employee who had rendered satisfactory paid military service during the war period in addition to military service pensionable under the military rules before or after war service but who did earn a pension by his war service in conjunction with his other military service, that portion of the military service which was rendered before or after the war service should be

dealt with in accordance with the provisions of rule 16. The war service portion (i.e. the period of service rendered between 3rd September 1939 and 1st April 1946) should, however, be dealt with under Rule 16 or 17 whichever may be more advantageous to the officer concerned. So far as the period from 3rd September 1939 to 1st April 1946 is concerned, the officer should be allowed, an option between the application of the one or other rule, subject to the limitation prescribed in the respective rules. If the war service is counted under rule 16, the whole of it will count, but if under Rule 17 only completed six monthly periods of service up to a maximum of 5 years; and in the later case the residue of war service cannot then be counted under Rule 16. The option should be based on the assumption that Government would give the maximum benefit permissible under Rule 16.(ii)If the entire military service including war service is dealt with under Rule 16, the whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) should be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Rule 17 and the rest of the military service before or after war under rule 16 the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Rule 16 bear to the total period of military service including the period of war service.(iii)For the purposes of the above instructions, it is immaterial whether or not there was a break between the war service and the other military service.

## **18. Counting of periods spent on leave.**

- All leave during service for which leave salary is payable and extraordinary leave granted on medical certificate shall count as qualifying service: Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant -(i)due to his inability to join or rejoin duty on account of Civil Commotion: or(ii)for prosecuting higher scientific and [technical studies; or] [Proviso (ii) to Rule 18 for the expression 'technical studies', the expression 'technical studies; or ; substituted - G.O.Ms.No.556. Finance (Pension) Department, dated 06-12-2000.](iii)[ for taking up employment abroad, if necessary pension contributions are paid by the Government servant to the Accountant General, Tamil Nadu from time to time with appropriate interest for belated payments, if any,] [Proviso (iii) to Rule 18 added - G.O.Ms.No.556, Finance (Pension) Department, dated 06-12-2000.]

## **19. Counting of period spent on training.**

- The Government may by order, decide whether the time spent by a Government servant under training immediately before appointment to service under the Government shall count as qualifying service. Notes. - For the purpose of this Rule-(1)The various kinds of training referred to in Annexure I to Fundamental Rules and subsidiary Rules which have been ordered to be treated as on duty.(2)Any State Forest Service Probationers who have not been appointed permanently to Government Service before attaining the age of 23 will count as service towards pension any period of training or probationary service undergone after he attained that age.(3)Training of all kinds in the case of subordinate officers of Police Department shall count as service.

## **20. Counting of periods of suspension.**

- Time passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified. In other cases, the period of suspension does not count unless that authority competent to pass orders under Fundamental Rule 54 expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare. [However, in the case of a Government servant who dies while under suspension before the enquiry is over, the period of suspension shall be treated as duty] [Last sentence to Rule 20 substituted - G.O.Ms.No.65, Finance (BG.II) Department, dated 08-02-1982.],

## **21. Forfeiture of service on dismissal or removal.**

- Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

## **22. Counting past service on reinstatement.**

(1)A Government Servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.(2)The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement, and the period of suspension if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

## **23. Forfeiture of service on resignation.**

- (I) Resignation from a service or post entails forfeiture of past service:Provided that a resignation shall not entail forfeiture of past service if it has been submitted to take up with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.(2)Interruption in service in a case falling under the proviso to sub-rule (1) due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to the Government servant.

## **24. [ Effect on interruption in service. [Rule 24 substituted - G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995 with effect from 1st January 1979.]**

(1)The interruption in service shall not entail forfeiture of past service except when a person was removed and re-employed. The actual interruptions in service shall not, however, count for pension.(2)The services rendered in temporary or permanent department or in substantive office

shall also count for pension even if any interruptions exist.]

## **25. [ Condonation of interruption in service. [Rule 25 substituted - G.O.Ms.No.530, Finance (Pension) Department, dated 04-06-1994.]**

(1) In the absence of a specific indication to the contrary in the Service Book, an interruption between two spells of Civil Service rendered by a Government servant shall be treated as automatically condoned and the pre-interruption service treated as qualifying service. (2) Nothing in sub-rule (1-) shall apply to interruption caused by resignation, (or) removal from service or for participation in a strike. (3) The period of interruption referred to in sub-rule (1) shall not count as qualifying service.]

## **26.**

In the case of a Government servant who retired or may retire from service on or after the 1st July, 1960 a deficiency in qualifying service shall not be condoned.

## **27. Addition to qualifying service in special circumstances.**

(1) Any person appointed to a service or post and who retires from service on or after the 1st July 1960 may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds thirty years or a period of five years, whichever is less, if the service or post is one-(a) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields is prescribed not merely as desirable but as obligatory qualification; and (b) for which the age of recruitment prescribed in the service rules applicable to the service or post concerned is above thirty years. [Provided that the age limit prescribed in sub-rule (1) above viz. thirty years shall be lowered to twenty seven years in so far as Judicial Officers who are directly recruited as Magistrates, District Munsifs and District Judges.] [Proviso to Rule 27(1)-Para(i) added - G.O.Ms.No.1006, Finance (Pension) Department, dated 15-12-1994 with effect from 3C/h March 1983.] Any person appointed to a post specified in column (2) of the Table below may add to his service qualifying for superannuation pension (but not for any other class of pension) a period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds thirty years or the period specified against that post in column (3) of the said Table, whichever is less: Provided that this concession shall not be admissible to any such person, if -(i) his actual qualifying service at the time he quits Government service is less than ten years, or (ii) he has not acquired the requisite qualification prescribed for recruitment to the service or post but is appointed to the service or post in relaxation of rules: Provided further that any such person who is recruited at the age of thirty five years or more may within a period of three months from the date of his appointment, elects to forego his rights to pension whereupon he shall be eligible to subscribe to the Contributory Provident Fund, Tamil Nadu. [Provided further that the age limit prescribed in sub rule (1), namely, thirty years shall be lowered to twenty nine years in so far as directly recruited prosecuting officers are concerned.]

[Third proviso to Rule 27(1) added - G.O.Ms.No.190, Finance (Pension) Department, dated 20-4-2004 with effect from 17th August 1999.](2)[ Any person appointed to a service or post on or before 31st December 1951 or after 31st December 1951, the case may be, availing himself of relaxation of age concession as one who participated in the National Movement, may add to his service qualifying or superannuation pension but not to any other class of pension the added years of service as under, namely: -(i)In respect of appointment made on or before 31st December 1951:The actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.(ii)In respect of appointment made after 31st December 1951:The actual period by which his age at the time of recruitment of his service or the actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.Explanation. - The provisions in clauses (a) and (b) of sub-rule (1) above shall not apply to those governed by this sub rule.] [Rule 27(2) added and Rule 27 renumbered as 27(1) - G.O.Ms.No.472, Finance (BG-1II) Department, dated 08-07-1981.][See Rule 27 (1)]

Serial No.	Name of Post	Maximum number of years that may be added to service qualifying for superannuation pension
(1)	(2)	(3)
1.	(a) District Munsifs	
	(b) Assistant Public Prosecutors, Grade I and Grade II	
	(c) Assistant State Prosecutors.	
	(d) Registrar, High Court, Chennai.	
	(e) Master, High Court, Chennai.	
	(f) Deputy Registrar, High Court, Chennai.	
	(g) Official Referee, High Court, Chennai.	5
	(h) First Assistant Registrar (Original Side), High Court, Chennai.	
	(i) Assistant Registrar, (Appellate Side), High Court, Chennai.	
	(j) Second Assistant Registrar, (Original Side), High Court, Chennai.	
	(k) Sub-Magistrate	
	(l) Official Assignee, High Court, Chennai,	
	(m) Deputy Official Assignee, High Court, Chennai.	
2.	Health Officers	5
3.	Civil Assistant Surgeons	2
4.	(a) Director of Legal Studies	5
	(b) Professors, Law College	5
	(c) Lecturers, Law College (only in case of Direct	5

- recruitment)
- |    |   |   |
|----|---|---|
| 5. | Directly recruited Chief Professors, Presidency College,<br>Chennai.-600 005  | 5 |
| 6. | Prosecutive Officer   | 5 |
| 7. | [Port Officer] [Rule 27(1) Entry 7 'Port Officer' to the Table<br>added - G.O.Ms.No.276, Finance (Pension) Department,<br>dated 20-03-1990 with effect from 6th December 1988.] | 5 |

Note 1. - The Concession of added years of service qualifying for superannuation pension is admissible to Sub-Magistrates and Additional First Class Magistrate appointed in relaxation of age rule. Note 2. - Subject to other conditions of this Rule, an officer may add to his service qualifying for superannuation pension the actual period not exceeding one-fourth<sup>1</sup> of the length of his service or the actual period by which his. age at the time of retirement exceed 30 years or a period of 5 years whichever is less.

## **28. Period of deputation to United Nations and other Organisations.**

- A Government servant deputed on foreign service, for a period of [five years] [Rule 28 for the words 'one year', the word 'five years' substituted - G.O.Ms.No.116, Finance (BG.II) Department, dated 12-12-1980.] or more to the 'United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat may at his option.-(a) Pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or (b) avail of the retirement benefits admissible under the rules of the aforesaid organisations and not count such service as qualifying for pension under these rules: Provided that where a Government servant opts for clause (b), .retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Government may, by order, specify: Provided further that pension contributions, if any, paid by the Government servant, shall be refunded to him.

## **29. Verification of qualifying service after 28 years of service or 53 years of age.**

- Where a Government servant completes Rule [twenty-eight years of service or fifty-three years of age] [For the words 'twenty five years of service', the words 'twenty eight years of service or 53 years of age' substituted - G.O.Ms.No.885, Finance (Pension) Department, dated 26-10-1994 with effect from 16th April 1982.], the Audit Officer concerned in the case of a [self drawing Government servant] [Rule 29, for the words 'gazetted Government servant' and 'non-gazetted Government servant', the words 'self drawing Government servant' and 'non-self drawing Government servant' respectively substituted - C.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] or the Head of Office in consultation with the Audit Officer concerned in the case of a non-self drawing Government servant shall, in accordance with the rules for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him the period of qualifying service so determined: Provided that any such verification shall be subject to final verification of qualifying service which shall be made at the time of retirement of the

## Government servant.Chapter - IV Emoluments and Average Emoluments

**30. Emoluments.**

- In these rules, unless the context otherwise requires -(1)Emoluments means and include-(i)Pay, other than Special Pay or pay granted in view of his personal qualification, which has been sanctioned for a post held by him substantively or in an officiating capacity (including temporary capacity under emergency provisions) or to which he is entitled by reason of his position in a cadre:(ii)Special Pay, Dearness Pay and Personal Pay; and(iii)any other remuneration which may be specially classed as emoluments by the Government.

**Note 1.** - If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended and had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule:Provided that an increase in pay (other than the increment referred to in Note 4.) which is not actually drawn shall not form part of his emoluments.[Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.] [Second proviso to Rule 30 added - G.O.Ms.No. 705 Finance (Pension) Department, dated 15-11 '1996.]

**Note 2.** - Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

**Note 3.** - If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this rule,[

**Note 4.** - If a Government servant immediately before his retirement or death while in service was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn; shall form part of his emoluments,] [Note 4. to Rule 30 substituted - G.O.Ms.No.458, Finance (Pension) department, dated 03-07-1987.]

**Note 5.** - Pay drawn by a Government servant in a tenure appointment shall be treated as emoluments; provided that the service in tenure appointment does not qualify for the grant of additional pension.

**Note 6.** - The officiating pay drawn by a Government servant in a post under the Government of India including the Defence Department or another State Government shall not be taken into account in the calculation of average emoluments with reference to this rule.

**Note 7.** - Pay drawn by a Government 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.

**Explanation.** - Additional allowance drawn under Fundamental Rule 49 (1) will not count for pension.

**Note 8.** - Where a pensioner is re-employed in a Government service elects in terms of clause (a) of sub-rule (1) of rule 15 or clause (a) of sub-rule (19) to retain his pension for earlier service and whose pay on reemployment has been reduced by an amount not exceeding his pension the element of pension by which his pay is reduced shall be treated as emoluments.[

**Exception.** - Pay and / or special pay drawn by persons appointed by the Government to posts under the Corporation of Madras, State Housing Board and other State Owned Corporation

/ Boards carrying higher scales of pay or special pay shall count for pension and death-cum-retirement gratuity, subject to the condition that the difference in the amount of pension and death-cum-retirement gratuity shall be the liability of the Corporation of Madras / State Housing Board and other State owned Corporations/Boards. Their liability will be the capitalised value of the share of the Corporation of Madras, State Housing Board and other State Owned Corporations / Boards calculated on the basis of the table of Commutation values for pension increased by 10 per cent.] [Exception below Note 8 substituted - G.O.Ms.No267, Finance (Pension) department, dated 01-04-1997 with effect from 01-01-1979]

### **31. Average Emoluments.**

- Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last 12 months of his service in the cases of retirement during the period from 26th February 1970 to 31st December 1973 and 10 months in the cases of retirement on or after 1st January 1974. Note 1. - If during the last 12 months / 10 months of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments: Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments. [Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.] [Second Proviso Note I to Rule 31 added - G.O.Ms.No. 705, Finance (Pension) Department, dated 15-11-1970.] Note 2. - If, during the last 12 months / 10 months of his service, a Government servant had been absent from duty on extra-ordinary 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 12 months / 10 months period shall be included. [Note 3. - In the case of a Government Servant who was on earned leave during the last twelve / ten months of his service and earned an increment which was not withheld, such increment though not actually drawn shall be included in the average emoluments.] [Note 3. to Rule 31 substituted - G.O.Ms.No.374, Finance (BG.III) Department, dated 30-05-1981.] Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and eighty days or during the first one hundred and eighty days of earned leave where such leave was for more than one hundred and eighty days. Chapter - V Classes of Pensions and Conditions Governing Their Grant

### **32. Superannuation pension.**

- A Superannuation pension is granted to a Government servant entitled or compelled, by rule, to retire at a particular age. Explanation. - For purposes of this rule, -(1) The date of compulsory retirement of a Government servant in superior service is the date on which he attains the age of [58 years] [Rule 32 Explanation (1) for the expression '55 years', the expression '58 years' substituted - G.O.Ms.No. 718, Finance (Pension) Department, dated 24-08-1994 with effect from 25th April 1979.]. The date of compulsory retirement of a Government servant in Last Grade Service is the date on which he attains the age of 60 years. (2) The age of retirement of trained teachers in the



educational institutions under the management of Government is the date on which he attains the age of 58 years.(3)The date of retirement in the case of persons who had taken part in the freedom struggle and courted imprisonment and who have been, appointed to the posts of social workers up to the end of December 1965, shall be the date on which they attain the age of 60 years.Note. - A Government servant under suspension, on a charge of misconduct, shall not be required or permitted to retire but shall be retained in service until the enquiry into the charge is concluded and final order is passed by a competent authority.

### **33. Retiring pension.**

- A retiring pension shall be granted to a Government servant who retires, or is retired, in advance of the age of compulsory retirement, in accordance with the provisions of rule 42.

### **34. Pension on absorption in or under a corporation, company or body.**

- A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government / Central Government or in or under a body controlled or financed by the Government, Central Government shall if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected, and from such date as may be determined in accordance with the orders of the Governments applicable to him :The pro-rata pension,- gratuity, etc., admissible in respect of the service rendered under the Government [will be calculated at the time of transfer, but payable only on retirement of the Government servant from the State owned Corporations / Boards] [Rule 34 for the words 'would be disbursable either from the earliest date from which the Government servant could have retired voluntarily under the rules applicable to him or from the date of absorption in the undertaking / corporation whichever is later' substituted - G.O.Ms.No.826, Finance (BG.II) Department, dated 29-07-1985],[Provided that the Government shall have no liability for the payment of family pension in such a case except in the case of families of those Government employees who were or are on deputation to the State Public Sector Undertakings or Boards and who were or are permanently absorbed there, in the event of their death during their employment in the State Public Sector Undertaking or Board subject to fulfillment of the following conditions, namely:-(i)The families of such deceased employees of the State Public Sector Undertaking or Board shall not receive any other family pension including Employees Family Pension and Life Insurance Scheme(ii)If a pension scheme is under in implementation in the State Public Sector Undertaking or Board, the Government will place the required funds at the disposal of the State Public Sector Undertaking or Board on a pro-rata basis to enable them to grant the family pension to the families of such deceased employees.(iii)If there is no pension scheme in the State Public Sector Undertaking or Board, the Government will bear the liability for the payment of family pension to the families of such deceased employees of the State Public Sector Undertaking or Board only in respect of the services put in by the deceased employee under the Government.]Provided further that no declaration regarding absorption in the public interest in a service or post in or under such corporation, company or body shall be required, in respect of a Government servant whom the Government may by order, declare to be a scientific

employees.

### **35. Payment of lump sum amount to persons on absorption in or under a corporation, company or body.**

(1) Where a Government servant referred to in rule 34 elects the alternative of receiving the death-cum-retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the death-cum-retirement gratuity be granted on an application made in this behalf a lump sum amount not exceeding the commuted value of his pension as may be admissible to him in accordance with the provisions of the Civil Pension Commutation Tables obtaining on the date from which the pro-rata pension and gratuity, etc., would be disbursable. (2) Notwithstanding anything contained in sub-rule (1), where any lump sum amount in addition to the death-cum-retirement gratuity had been paid at any time to any Government servant referred to in rule 34 who had elected the alternative of receiving the death-cum-retirement gratuity, and a lump sum amount in lieu of pension, such payment shall be deemed to have been made in accordance with this rule, if the requirements of this rule have been satisfied.

### **36. Invalid pension.**

(1) A Government servant who is declared by the appropriate medical authority to be permanently incapacitated for further service in accordance with the instructions on the subject, may be granted invalid pension. Explanation. - For the purpose of this rule - (a) If the officer submitting the application for invalidation is in India, then the examining medical authority shall be - (i) A Medical Board in the case of all [self drawing Government servants] [Rule 36(1)(a) (if for the words 'gazetted Government servant' and 'non-gazetted Government servant', the words 'self drawing Government servants' and 'non-self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] and those [non-self drawing Government servants] [Rule 36(1)(a) (if for the words 'gazetted Government servant' and 'non-gazetted Government servant', the words 'self drawing Government servants' and 'non-self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] whose pay as defined in rule 9 (21) of the Fundamental Rules exceeds [Rs.2500/-] [Rule 36(1)(a)(i) for the expression 'Rs.750/-', the expression 'Rs.2500/-' substituted - G.O.Ms.No.995, Finance (Pension) Department, dated 11-09-1990.] and above. (ii) (a) Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status in other cases. (b) If the officer submitting the application is on leave elsewhere than in India, then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a consultant. A lady doctor shall be included as a member of the Medical Board wherever a women candidate is to be examined. If any doubt arises regarding the validity of a certificate (as in Form 23) by the Medical Board arranged by the India Mission abroad, the Audit Officer must not of his own motion reject the certificate as invalid but must submit the matter for the decision of Government. [\*\*\*] [Rule 36(1)(a)(ii)(b) the word 'Note' omitted - G.O.Ms.No.524, Finance (BG.III) Department, dated 30-07-1981.] Government may delegate its power under this rule to Heads of Departments. (c) Except in the case of the officer on leave elsewhere than in India, no medical certificate of incapacity for service may be

granted unless the applicant produced a letter to show that the head of his office or department, is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the office or department in which the applicant is employed with a statement of what appears from official records to be applicant's age. Where the applicant has a service book, the age there recorded should be reported.

**Note 1.** - Honorary Surgeons and Physicians may issue certificates (as in Form 24) invaliding for further service to Government servants who are patients in their wards on receipt of a requisition from the heads of offices or departments to which the Government servant belong. Such invaliding certificates issued in Madras City should be countersigned by the Director of Medical Education. The countersignature of the Director of Medical Education in the invalid certificate of an officer serving in the mofussil is not necessary.

**Note 2.** - In cases where the disease from which an applicant is suffering is curable by an operation, but this, he refuses to undergo and is therefore invalided. In these cases, no pension or gratuity is admissible. Each case of invalidation on account of a curable disease should be decided on merits. The Accountant General should forward such cases for the orders of Government.

**Note 3.** - Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.

**Note 4.** - An officer discharged on other grounds has no claims under this Rule even though he can produce medical evidence of incapacity for service.

**Note 5.** - The system of taking finger prints by Medical Officers on the medical certificates in the case of invalid pension and commutation of pension should remain in force.

**Note 6.** - An Officer who -has submitted a medical certificate of incapacity for further service shall, if he is on duty be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the medical certificate, or if he is on leave, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalided from service on the expiry of that leave or extension of leave, if any granted to him under S.R. 24 under Rule 74 (a) contained in Armexure II, Part I of the Fundamental Rules.

**Note 7.** - All [non-self drawing Government servants] [Rule 36(1)(c) in Note 7, for the words 'non-gazetted Government servants', the words 'non-self drawing Government servants' substituted - G.O.Ms.No. 118, Pittance (Pension) Department, dated 14-03-1997.] as to whose fitness for further service there may be doubt, should unless they happen to be absent in other districts, on long leave, be sent for examination before the District Medical Officer of the district in which they are serving, where a Government servant's jurisdiction falls within more than one Revenue district as may be departmentally convenient. If, in special cases, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If in special cases, this procedure has necessarily to be departed from, the reasons therefore should be recorded in writing and communicated to the commissioned Medical Officer, who is asked to examine the applicant.

**Note 8.** - Invaliding medical certificates under this rule should be given by Medical Officer registered under Medical Registration Act 1914, and if any doubt arises in a particular case, it should be referred to the Director of Medical Education for decision or counter signature.

**Note 9.** - The Director, Central Leprosy, Teaching and Research Institute, Taramani is deemed to be a Civil Surgeon for die purpose of granting invalidating certificates to Government servants under his treatment for leprosy. The Medical certificate in these cases should also be countersigned by the Director of Medical Education.

**Note 10.** - All cases in which it is certified that the incapacity for service is due to irregular or intemperate habits, should be submitted to Government for orders through the proper channel, together with the opinion of the Director of Medical Education.

**Note 11.** - In the case of [non-self-drawing mofussil

police officers] [Rule 36(1)(c) in Note 11, for the words 'non-gazetted mofussil police officers', the words 'non-self drawing mofussil police officers' substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997] residing in Chennai during their period of leave, the certificate of unfitness for further service should be granted by the police Surgeon.(2)Where the medical authority referred to in sub-rule (1) has declared Government servant fit for further service of less laborious character than that which he has been doing, he may, if possible, be employed on lower pay and if there be no means of employing him even on a lower pay he may be admitted to pension.(3)(a)If the incapacity is directly due to the irregular or intemperate habits of a Government servant, no pension may be granted.(b)If the incapacity has not been accelerated or aggravated by them, it should be for the pension sanctioning authority to decide what reduction should be made on this account.

### **37. Medical Opinion.**

- A sufficient statement of the medical case, and of the treatment adopted, should, if possible,- be appended. If the examining Medical Officer, although unable to discover any specific disease in the Government servant considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and if possible, a second medical opinion should always in such a case be obtained. In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of Government servant whose recorded age is less than fifty-five years, but a Medical Officer is at liberty when certifying that the Government servant is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

### **38. Compensation pension.**

(1)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 at least equal to those of his own, have the option -(a)of taking compensation pension to which he may be entitled for the service he had rendered, or(b)of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.Note. - (1) A reduction in the number of men paid for piece work and treated as having held a substantive office should be considered as an abolition of their appointments and the savings may, in such cases, be calculated on the average earnings of the last six months as laid down in rule 31.(2)An officer in foreign service should be held to have lost his lien from the date on which his post in Government service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.(3)When an officer is transferred from pensionable Government service to a non-pensionable establishment he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the public service, that is from the non-pensionable establishment to which he belongs.(4)If an officer is

transferred to a non-qualifying appointment in the interest of the public service and under orders of competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.(2)(a)Notice of at least three months shall be given to a Government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.(b)Where notice of at least three months is not given and the Government servant has not been provided with other employment on the date on which his services are dispensed with the authority competent to dispense with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.(c)No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.(3)In case a Government servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is reemployed before the expiry of the period for which he has received pay and allowances, he shall refund the pay and allowances so received for the period following his re-employment.(4)If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government, subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

### **39. Compulsory retirement pension.**

(1)A Government 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 two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.Note. - [\*\*\*\*] [Note to Rule 39(1) deleted- G.O.Ms.No.524, Finance (Pension) Department, dated 30-07-1981.](2)Whenever in the case of a Government servant the Government passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full compensation pension admissible under these rules, the Tamil Nadu Public Service Commission shall be consulted before such order is passed.Explanation. - In this sub-rule, the expression 'pension' includes gratuity.(3)A pension granted or awarded under sub-rule (1) or as the case may be under sub-rule (2) shall not be less than the limit specified in sub-rule (5) of rule 43.

### **40. Compassionate allowance.**

(1)A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:Provided that 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 two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on medical certificate.[Provided further that no allowance shall be granted to an officer under the rule-making control of the Government of India, other than those who are governed by the AH India Services (Death-cum-Retirement Benefits) Rules, 1958, without further sanction.Provided also that no compassionate allowance shall be granted in cases of Government servants dismissed or removed from service under the second proviso (c) to clause (2) of Article 311 of the Constitution of India, for overt, anti-national activities such as sabotage, espionage and like.](2)A compassionate allowance

sanctioned under the proviso the sub-rule (1) shall not be less than the limit specified in sub-rule (5) of [rule 43] [Rule 40 - first and third proviso added and proviso to Rule 40 inserted as second proviso - G.O.Ms.No.191, Finance (Pension) department, dated 15-03-1995 with effect from 1st January 1979].] [First proviso substituted - G.O.Ms.No.298, Finance (Pension) Department, dated 31-7-2001 with effect from 21st March 1989]

#### 41. Unfitness for further advancement.

- When a Government servant belonging to one of the following services, who is proved to be unfit for further advancement, is removed from service by the Government of India on the recommendation of the Government, he may, with the sanction of the Government of India, be granted a pension not usually exceeding and not necessarily so great as, that which would have been admissible to the Government servant if he had been invalided on medical certificate. In making their recommendation in such cases, the State Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the Government servant if he was invalided on medical certificate:-(a)The Indian Civil Service.(b)The Indian Police.Chapter - VI Regulation of Amounts of Pension

#### 42. Regulation of Amounts of Pension.

(1)A Government servant, who, under Fundamental Rule 56 (d), retires voluntarily or is required by the appointing authority to retire in the public interest shall be entitled to a retiring pension.(2)[ (a) A Government servant including a Government servant in the Tamil Nadu Basic Service retiring voluntarily after 20 years service or 50 years of age under sub-rule (3) of rule 56 of the Fundamental Rules shall be entitled to a retiring pension which shall be calculated after giving weightage upto 5 yearn in addition to the qualifying service rendered by him subject to the condition that the total qualifying service rendered by such Government servant, including the weightage does not, in any case, exceed thirty years of qualifying service and it does not take him beyond the date of superannuation, as the case may be. The weightage shall be calculated in accordance with Fundamental Rules 56 (3) (d) (i) as specified in the Table below:-

Weightage with reference to Qualifying Service	Weightage with reference to Age		
(1)	(2)		
Qualifying Service	Weightage	Age	Weightage
For all Government Servants	For all Government Servants other than Government Servants in the Tamil Nadu Basic Service		
25 years and below	5 years of weightage	53 years and below	5 years of weightage
26 years	4 years of weightage	54 years	

			4 years of weightage
27 years	3 years of weightage	55 years	3 years of weightage
28 years	2 years of weightage	56 years	2 years of weightage
29 years	1 year of weightage	57 years	1 year of weightage

For Government Servants  
in the Tamil Nadu Basic  
Service

55 years and below	5 years of weightage
56 years	4 years of weightage
57 years	3 years of weightage
58 years	2 years of weightage
59 years	1 year of weightage

(b) The weightage given shall be in addition to the qualifying service, the purpose of pension and gratuity only and it shall not entitle a Government servant retiring voluntarily to any notional fixation of pay for purpose of calculating pension and gratuity. The pension shall be determined based on the 50% of the average emoluments drawn during the last ten months of service rendered or 50% of pay last drawn plus dearness pay, if any, admissible from time to time, by the Government servant, whichever is higher.](3)[ For purposes of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.] [Rule 42(3) added-G.O.Ms.No.1.115, Finance (BG.III) Department, dated 12-12-1980.]

### 43. Amount of Pension.

- [(1) in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the uniform rate of half-month's emoluments for every completed six monthly period of service.] [Rule 43(1) substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995.](2) In the case of a Government servant, retiring in accordance with the provisions of these rules after completing qualifying service of not less than 10 years, the amount of pension shall be the appropriate amount as set out below namely:- (B) [Pension [Rule 43(2) Table '(B) Pension' substituted - G.O.Ms.No.596, Finance (Pension) department, dated 25-11-1997 with effect from 1-1-1979.]]

Completed six monthly periods of Qualifying service	Scale of Pension
(1)	(2)
20	15.00 / 80ths average emoluments:

21	15.50 / 80ths average emoluments:
22	16.00 / 80ths average emoluments:
23	16.50 / 80ths average emoluments:
24	17.00 / 80ths average emoluments:
25	17.50 / 80ths average emoluments:
26	18.00 / 80ths average emoluments:
27	18.50 / 80ths average emoluments:
28	19.00 / 80ths average emoluments:
29	19.50 / 80ths average emoluments:
30	20.00 / 80ths average emoluments:
31	20.50 / 80ths average emoluments:
32	21.00 / 80ths average emoluments:
33	21.50 / 80ths average emoluments:
34	22.00 / 80ths average emoluments:
35	22.50 / 80ths average emoluments:
36	23.00 / 80ths average emoluments:
37	23.50 / 80ths average emoluments:
38	24.00 / 80ths average emoluments:
39	24.50 / 80ths average emoluments:
40	25.00 / 80ths average emoluments:
41	25.50 / 80ths average emoluments:
42	26.00 / 80ths average emoluments:
43	26.50 / 80ths average emoluments.
44	27.00 / 80ths average emoluments.
45	27.50 / 80ths average emoluments.
46	28.00 / 80ths average emoluments.
47	28.50 / 80ths average emoluments.
48	29.00 / 80ths average emoluments.
49	29.50 / 80ths average emoluments.
50	30.00 / 80ths average emoluments.
51	30.30 / 80ths average emoluments.
52	30.60 / 80ths average emoluments.
53	30.90 / 80ths average emoluments.
54	31.20 / 80ths average emoluments.
55	31.50 / 80ths average emoluments.
56	31.80 / 80ths average emoluments.
57	32.10 / 80ths average emoluments.



58	32.40 / 80ths average emoluments.
59	32.70 / 80ths average emoluments.
60 and above	33.00 / 80ths average emoluments.]

Note. - In this case of officers-who retired on or before 1st October 1970 pension shall be the appropriate amount as set out below:--

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum Pension (in rupees per annum)
(1)	(2)	(3)
20	10 1/2 80ths Average emoluments	2,700
21	10 1/2 / 80ths .	Do 2,835
22	11 / 80ths	Do 2,970
23	11 1/2 / 80ths	Do 3,105
24	12 / 80ths	Do 3,240
25	12 1/2 80ths	Do 3,375
26	13 / 80ths	Do 3,510
27	13 1/2 / 80ths	Do 3,645
28	14/ 80ths	Do 3,780
29	14 1/2 / 80ths	Do 3,915
30	15 / 80ths	Do 4,050
31	15 1/2 / 80ths	Do 4,185
32	16 / 80ths	Do 4,320
33	16 1/2 / 80ths	Do 4,455
34	17 / 80ths	Do 4,590
35	17 1/2 / 80ths	Do 4,725
36	18 / 80ths	Do 4,860
37	18 1/2 1 80ths	Do 4,995
38	19 / 80ths	Do 5,130
39	19 1/2 / 80ths	Do 5,265
40	20 / 80ths	Do 5,400
41	20 1/2 80ths	Do 5,535
42	21 / 80ths	Do 5,670
43	21 1/2 / 80ths	Do 5,805
44	22 / 80ths	Do 5,940
45	22 1/2 / 80ths	Do 6,075
46	23 / 80ths	Do 6,210

47	23 1/2 / 80ths	Do	6,345
48	24 / 80ths	Do	6,480
49	24 1/2 / 80ths	Do	6,615
50	25 / 80ths	Do	6,750
51	25 1/2 / 80ths	Do	6,885
52	26 / 80ths	Do	7,020
53	26 7/8 / 80ths	Do	7,155
54	27 / 80ths	Do	7,290
55	27 1/2 / 80ths	Do	7,425
56	28 / 80ths	Do	7,560
57	28 1/2 / 80ths	Do	7,695
58	29 / 80ths	Do	7,830
59	29 1/2 / 80ths	Do	7,965
60	30 / 80ths	Do	8,100

(2A)[ In respect of persons who retire on or after 31st October 1979, the amount of pension shall be the appropriate amount as set out below: -] [Rule 42(2) substituted- G.O.Ms.No.3, Finance (Pension) Department, dated 05-01-2000.](a)In the case of a Government servant retiring in accordance with the provisions of these rules, after completing qualifying service of not less than thirty three years the amount of pension shall be determined as follows, namely:-

Average emoluments(1)	Amount of monthlypensions(2)
Upto first Rs. 1,000	: 50 per cent of average emoluments
Next Rs.500	: 45 per cent of average emoluments
Balance	: 40 per cent of average emoluments subject to a maximum of Rs. 1,500 per mensem.

[Provided that, with effect on and from the 1st October 1984, there shall be no maximum pension.] [Rule 43(2-A)(a) proviso to the Table added - G.O.Ms.No.124, Finance (Pension) Department, dated 21-02-1995 with effect from 1st October 1984.]

[Provided that in the case of a Government servant who retires on or after the 14th December 1987, pension shall be calculated at the rate of 50 per cent of average emoluments.] [Rule 43(2-A)(a) First Proviso added - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1984.][Provided farther that in the case of Government servant who retires on or after the 1st July, 1996, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of service rendered or fifty per cent of pay last drawn by the Government servant, whichever is higher.] [Rule 43(2-A)(a) Second Proviso added - G.O.Ms.No.145, Finance (Pension) Department, dated 27-03-1997 with effect from 1-7-1996][Provided further that in the case of Government servant who retires on or after the 1st July, 1996, after completing qualifying service of not less than thirty years, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of

service rendered or fifty per cent of pay last drawn by the Government servant whichever is higher and the maximum qualifying service to become eligible for full pension shall be thirty years.] [Rule 43(2-A)(a) Second Proviso substituted - G.O.Ms.No.356, Finance (Pension) Department, dated 18-09-2001 with effect from. 1-7-1996](b)In the case of a Government servant retiring in accordance with the provisions of these rules, before completing qualifying service of thirty three years thirty years but after completing qualifying service of ten years, the amount of pension shall be [proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be] less than rupees [one hundred] [Rule 43(2-A)(b) for the words 'one hundred', the words 'one hundred and twenty five' substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982] [one hundred and twenty five] [Rule 43(2-A)(b) for the words 'one hundred and twenty five ', the words 'two hundred and thirty five ' substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1' October 1984] [two hundred and thirty five] [Rule 43(2-A)(b) for the words 'two hundred and thirty five', the words 'two hundred and forty five' substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from P' October 1988] [two hundred and forty five] [Rule 43(2-A)(b) for the words 'two hundred and forty five ', the words 'three hundred and seventy five' substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988] [three hundred and seventy five] [Rule 43(2-A)(b) for the words 'three hundred and seventy five ', the words 'one thousand two hundred and seventy five' substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.] [one thousand two hundred and seventy five] [Rule 43(2-A)(b) for the words 'one thousand two hundred and seventy five', the words 'three thousand and fifty' substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.] three thousand and fifty per mensem.[Provided that in case of a Government servant who retires on or after 1st July, 1996, before completing qualifying service of thirty years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under the second proviso to clause (a).] [Proviso to Rule 43(2-A)(b) added - G.O.Ms.No.356, Finance (Pension) Department, dated 16-09-2001 with effect from 1-7-1996](c)Notwithstanding anything contained in clauses (a) and (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (1) of rule 49.(d)A Government servant who entered-service prior to, 1st October , 1979 may opt for pension as per the provision in clause (a) above and for the Death-cum-Retirement Gratuity as per die provision in clause (c) of sub-rule (1) of rule 45. The option should cover both pension and Death-cum-Retirement Gratuity and not any one. The option shall be exercised one year before the date of retirement and if once exercised shall be final.(3)[ In calculating the length Of qualifying service, fraction of a year equal to [three] [Rule 43(3) and 43(4) including proviso substituted - G. O. Ms.No. 38, Finance (BG-I1I) Department, dated 27-Q1-1982 with effect from 1st October 1979.] months and above shall be treated a completed one half year and reckoned as qualifying service.(4)The amount of pension finally determined under this rule shall be expressed in whole rupees and where the pension contain a fraction of a rupee, it shall be rounded off to the next higher rupee.Provided that in no case, a pension in excess of the maximum pension. prescribed under this rule shall be allowed.]Note. - Illustrative examples are given below:-(a)Where two Governments are involved -

Rs. P.

(Paying Government) A 11.40 (0.40 to be ignored)

B 24.60 (to be rounded off to 25)

36.00

(b)where, three or more Governments are involved -

Rs. P.

(Paying Government) A 11.10 11.10 (0.10 to be ignored)

B 12.80 (to be rounded off to 13)

C 25.75 (to be rounded off to 26)

D 40.35 (0.35 to be ignored)

90.00

A few illustrations are cited below  
Illustration(i)A pension of Rs.238.55 to be divided among three Governments in the ratio of 5:4:1.The share works out to -\*Rs.119.275 (2) Rs.95.420 (3) 23.855 By rounding-

Rs. P.

(1) would be 119.00

(2) would be 95.00

(3) would be 24.00

Total 238.00

(ii)A pension of Rs.336.35 to be divided among four Government in the ratio of 6:4:2:1.(1)Rs. 155.24

(2) Rs.103.49, (3) Rs.51.75, (4) 25.87The share works out to -By rounding -

(1) would be 155.00

(2) would be 103.00

(3) would be 52.00

(4) would be 26.00

Total 336.00

(iii)A pension of Rs. 198.45 is to be divided among three Governments in the ratio of 7:5:1(1)Rs. 106.86, (2) 76.33, (3) Rs. 15.27By rounding -

Rs.P.

(1) would be 107.00

(2) would be 76.00

(3) would be 15.00

Total 198.00

(iv)If a pension of Rs.560.55 is to be allocated among four Governments-as follow:-By rounding -

A Rs.250.625

B Rs. 170:275

C Rs. 64.320

D Rs. 75.330

\* The share by rounding would be -

C. would be Rs. 64.00

D. would be Rs. 75.00

B. would be Rs. 170.00

A would be Rs. 251.00

Total Rs. 560.00

(5) Where the amount of pension after due calculations, inclusive of ad hoc increment sanctioned from time to time is less than the minimum pension, the difference shall be made good by the grant of further increase in pension. Note. - (i) For purposes of this rule, an officer cannot count the following allowances:-(1) Local allowance and deputation (local) allowances (2) House Rent Allowance or estimated value of free quarters (3) Tour and other allowances; and (4) Compensation for dearness of provisions. Note. - (ii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Government the minimum pension increase ordered will not be admissible. Note. - (iii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Defence Department, the pension increase order will not be admissible.

#### **44. Regulation of pay in case of re-employed Government pensioner.**

(1) The authority Competent to fix the pay and allowances of the Post in which a pensioner is re-employed shall determine whether the pension shall be held wholly or partly in abeyance. If pension is drawn wholly or in part, such authority shall take the amount of such pension into account in fixing the pay to be allowed to him. Explanation. - Where the employment is in a service paid from local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either:-(i) the authority administering the local fund, if so empowered by the Government by special or general orders in this behalf; or (ii) in any other case, the Government or such other authority as the Government may prescribe. Note. - Rules relating to the re-employment of superannuation of retiring pensioners do not apply to post in hereditary village officers. (2) No retired personnel should be re-employed without specific orders of Government. (3) Sub-rule (2) shall not apply to the re-employment in posts borne on the contingent establishment but it will apply to re-employment in posts borne on the work charged establishment. The principles governing the fixation of pay laid down in sub-rule (4) will, however, apply to re-employment in posts borne on contingent establishment as well as work charged establishment. In cases where the post of reemployment carries a fixed pay, that fixed pay will be taken as "the maximum of the post" referred to in sub-rule (4). In the cases of re-employment in posts paid from contingencies and of unskilled labourers where the pension exceeds the pay (proper) of the post, the re-employed person may, at the discretion of the appointing authority, be permitted to receive in addition to the pay of the post, a portion of their pension not exceeding half. They may also be allowed dearness allowance calculated on the total of the pension drawn and the pay on re-employment and other allowances attached to the post but not the temporary, increase in pension, which will be held in abeyance during the period of the re-employment. (4) (i) The general principle governing the fixation of pay of a re-employed pensioner in the same or similar post is to allow him to draw his pension in full and in addition such pay as will bring his total emoluments up to the rate of pay drawn by him on the date of his retirement. (ii) In the cases of re-employment in a higher post where the minimum pay of the post is more than the pay last drawn the pensioner may be allowed to minimum pay of the post, less pension and pension equivalent of other retirement benefits. (iii) In the case, however, of a pensioner re-employed in a lower post, his pay plus pension during re-employment should be limited to the

pay drawn by him at the time of retirement or to the maximum of the post in which he is re-employed whichever is less.(iv)A re-employed pensioner may in addition, be allowed to draw the special pay attached to the post in which he is re-employed.(v)Technical personnel who are re-employed in the Survey Department may be allowed the basic initial pay of the posts to which they are appointed in addition to their pension.(vi)[ Normal increments shall be sanctioned to the Government pensioners who are re-employed in the time scale of pay of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other retirement benefits is made) subject to the condition that the pay and gross pension or pension equivalent of other retirement benefits taken together do not at any time exceed Rs.26,000/- per month.] [Rule 44(4)(vi) added - G.O.Ms,No.604, Finance (Pension) Department, dated 03-12-2003.](5)In the case of persons who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941, the gratuity rules relating to Public Works, Work Shops, the Transport Department, etc., and are re-employed in posts the basic pay of which does not exceed Rs.80 per mensem, no deduction need be made from the pay on re-employment on account of the gratuity admissible to them. They will be allowed during re-employment the pay normally admissible to them without taking into consideration the fact of their having received a gratuity for their service prior to re-employment. The gratuity will be recovered if the subsequent service along with the previous services is to be reckoned for gratuity. The pension equivalent of the gratuity will, however, be taken into account in the case of others, i.e. in the case of those who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941, the gratuity rules relating to public works, workshops, the Transport Department, etc and are re-employed in posts the basic pay of which exceeds Rs.80 per mensem, their pay on re-employment will be such as together with the pension equivalent of the gratuity (calculated by adopting the table of commuted value of civil pensions) will not exceed the pay last drawn by them while in services of the maximum of the post of re-employment, whichever is less. The term "Basic" pay used above should, in the case of posts carrying time scales of pay be taken as the actual as the pay allowed to the re-employed Government servant (before deduction of the pension equivalent).(6)When a Government servant governed by the Contributory Provident Fund is re-employed in the same or a similar post, his pay will be so fixed that such pay together with the pension equivalent of the Government contribution and interest thereon credited to his provident fund shall not exceed the pay last drawn by him before retirement the pension equivalent being calculated by adopting the table of commuted value of civil pensions. In the case of pensioners, who are borne on the Contributory Provident Fund cum Pension System, the pay on re-employment will be reduced not only by the pension admissible to them but also by the pension equivalent of the Government contribution and interest thereon credited to their provident fund in lieu of half the regular pension.(7)In the case of those retired from the service of the Corporation of Madras and re-employed under Government in the Medical and Public Health Departments, the pay on re-employment will be such as together with their pension, pension equivalent of the gratuity pension equivalent of the contributions with interest therein credited to their provident fund will not exceed (the pay last drawn by them or the maximum of the post of re-employment whichever is less. Those who retired from the service of other local funds will on re-employment under Government in the Medical and Public Health Departments be allowed the minimum of the scale of post of re-employment according to their qualification in addition to any retirement benefit

admissible to than from the local fund. The Universities of die Tamil Nadu State are not "Local Funds" within the meaning of the rules. A retired Government servant appointed as the Vice-Chancellor of a University in the Tamil Nadu State may continue to draw his full pension in addition to his salary as Vice-Chancellor.

#### **45. Death-cum-Retirement Gratuity.**

(1)(a) A Government servant, who has completed five years' qualifying service and 1ms become eligible for service gratuity or pension under rule 43, shall, on his retirement be granted death-cum-retirement gratuity as in die table below for each completed six monthly period of qualifying service, subject to a maximum of fifteen times, the emoluments: -[The Table [Table to 45(1)(a) substituted - G. O. Ms.No. 595, Finance (Pension) Department, dated 25-11-1997]Scale of Death-cum-Retirement Gratuity

Completed six monthly periods of qualifying service	Amount of gratuity
(1)	(2)
10	3.00 months emoluments
11	3.30 months emoluments
12	3.60 months emoluments
13	3.90 months emoluments
14	4.20 months emoluments
15	4.50 months emoluments
16	4.80 months emoluments
17	5.10 months emoluments
18	5.40 months emoluments
19	5.70 months emoluments
20	6.00 months emoluments
21	6.30 months emoluments
22	6.60 months emoluments
23	6.90 months emoluments
24	7.20 months emoluments
25	7.50 months emoluments
26	7.80 months emoluments
27	8.10 months emoluments
28	8.40 months emoluments
29	8.70 months emoluments
30	9.00 months emoluments
31	9.30 months emoluments
32	9.60 months emoluments

33	9.90 months emoluments
34	10.20 months emoluments
35	10.50 months emoluments
36	10.80 months emoluments
37	11.10 months emoluments
38	11.40 months emoluments
39	11.70 months emoluments
40	12.00 months emoluments
41	12.30 months emoluments
42	12.60 months emoluments
43	12.90 months emoluments
44	13.20 months emoluments
45	13.50 months emoluments
46	13.80 months emoluments
47	14.10 months emoluments
48	14.40 months emoluments
49	14.70 months emoluments
50	15.00 months emoluments
51	15.15 months emoluments
52	15.30 months emoluments
53	15.45 months emoluments
54	15.60 months emoluments
55	15.75 months emoluments
56	15.90 months emoluments
57	16.05 months emoluments
58	16.20 months emoluments
59	16.35 months emoluments
60 and above	16.50 months emoluments

Provided that in the case of retirement of a Government servant after completion of a qualifying service of thirty years, the maximum Death-cum-Retirement Gratuity shall be payable not exceeding rupees thirty thousand.](b)[ If a Government servant dies while in service, Death Gratuity shall be paid as specified in the table below and in accordance with the provisions of sub-rule (1) of the rule 46 - [Rule 45(1)(b) including proviso thereto substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1987.]

Length of service (1)	Rate of Gratuity (2)
(i) Less than one year	Two times of monthly emoluments
(ii) More than one year and above but less than	Six times of monthly emoluments



five years

More than five years

- (iii) and above but less than twenty years      Twelve times of monthly emoluments

- (iv) More than twenty years and above      Half of monthly emoluments for every completed six monthly services subject to a maximum of thirty three times of monthly emoluments, the amount of which shall, in no case, exceed Rupees one lakh]

(c) In the case of retirement or death of a Government servant after the 1st October 1979 and after completing five years qualifying service, the amount of death-cum-retirement gratuity shall be one-fourth of his emoluments for each completed six months period of qualifying service subject to a maximum of sixteen and a half times the emoluments. Provided that in no case the amount of death-cum-retirement gratuity payable exceed rupees thirty thousand. Provided further that in respect of cases arising on or after the 31st May 1982, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees thirty six thousand. [Provided also that in respect of cases arising on or after the 1st October, 1984, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees fifty thousand. Provided also that in respect of cases arising on or after the 14th December, 1987, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees one lakh.] [Provided also that in respect of cases arising on or after the 1st April, 1995, the maximum limit of Death-cum-Retirement Gratuity shall not exceed Rupees two lakhs and fifty thousand.] [Fifth Proviso to Rule 45(1)(c) added - G.O.Ms.No.138, Finance (Pension) Department, dated 25-03-1997.] [Provided also that in respect of cases arising on or after the 1st January, 1996, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees three lakhs and fifty thousand.] [Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.316, Finance (Pension) Department, dated 23-07-2009] [Provided also that in respect of cases arising on or after the 1st January, 2006, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees ten lakh.] [Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.319, Finance (Pension) Department, dated 23-07-2009] (2) If a Government servant who has become eligible for a service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad hoc increase if any, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary cum-retirement gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule 46.(3)(a) If a Government servant dies in the first year of qualifying service, a death gratuity equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub-rule (1) of rule 46.(b) If a Government servant dies after completion of one year of qualifying service but before completing five years of qualifying service, the amount of death gratuity shall be equal to six times of his emoluments.(3)[\*\*\*] [Rule 45 Sub rule 3 Omitted - G.O.Ms.No.448, Finance (Pension) Department, dated 07-06-1995 with effect from 14th December 1987.](4) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 30. Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service other wise than as penalty, average emoluments as referred to in rule 31 shall be treated as emoluments.(5) For the purposes of this rule and rule 46, 47 and 48 'family' in relation to a Government servant means.(i) Wife or wives, including judicially

separated wife or wives in the case of a male Government servant.(ii)husband, including judicially separated husband in the case of a female Government servant.(iii)[sons including step sons, adopted sons and sons born through illegitimate wife. [Rule 45(5)(iii) to (v) substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.](iv)unmarried daughters including step daughter, adopted daughters and unmarried daughters born through illegitimate wife.(v)widowed daughters including step daughters, adopted daughters and widowed daughter born through illegitimate wife.](vi)father, including adoptive parents in the case of individuals whose personal law permits adoption.(vii)mother [and step mother] [Rule 45(5)(vii) the words 'and step mother' inserted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28th December 1983.], including adoptive parents in the case of individuals whose personal law permits adoption.(viii)brothers below the age of eighteen years, including step brothers.(ix)unmarried sisters and widowed sisters, including step sisters.(x)married daughters, and(xi)Children of pre-deceased son.

**45A. [ Interest on delayed payment of Gratuity. [Rule 45-A inserted - G.O.Ms.No.506, Finance (Pension) Department, dated 27-06-1995.]**

(1)Interest at the rate of eight per cent per annum shall be payable on the death-cum-retirement gratuity paid beyond (a) period of two months from the date of retirement of a Government servant [\*\*\*][Provided that on and from the 12th June 1987, the rate of such interest shall be as follows:-(a)seven per cent per annum beyond a period of three months and up to one years; and(b)ten per cent per annum beyond a period of one year;][Provided further that on and from 20th February 1995, the rate of such interest shall be twelve percent per annum (compounded annually).Provided also that on and from 1st April 2004, the rate of such interest shall be at the rate of interest payable, on General Provident Fund during the year of retirement of the Government servant (compounded annually).] [Proviso to 45-A inserted - G.O.Ms.No.487, Finance (Pension) Department, dated 07-10-2009.]Provided further that no such interest shall be payable:-(a)where the institution of departmental or judicial proceeding against the retiring Government servant concerned is pending; and(b)for the fraction of a month.][(1 -A) The period beyond which such interest is payable, shall be as follows :-(i)in the case of a Government servant retired otherwise on superannuation and where the death-cum-retirement gratuity is withheld on account of disciplinary proceeding pending against him:-(a)three months from the date of retirement where the Government servant is exonerated of all charges and where the death-cum-retirement gratuity is paid on the conclusion of disciplinary proceedings.(b)three months from the date of death where the disciplinary proceedings are dropped on account of death of a Government servant.(c)three months from the date of issue of orders by the competent authority allowing payment of death-cum-retirement gratuity where the Government servant is not(ii)six months from the date of retirement of a Government servant otherwise than on superannuation under Fundamental Rule 56(2) or 56(3) or rules 33, 36, 38, 39 and 42 of the Tamil Nadu Pension Rides, 1978.(iii)six months from the date of death of a Government servant while in service and where the delay is not caused on account of more than one claimant(iv)three months from the date of issue of orders revising the emoluments where the amount of death-cum-retirement gratuity already paid is enhanced on account of revision of emoluments and(v)six months from the date of absorption in the case of permanent absorption in the Public Sector Undertakings or Autonomous Bodies otherwise that on

en mass transfer on conversion of Government department or a part thereof into Public Sector Undertakings or Autonomous Bodies.](2)[ The Government shall be the authority competent to sanction such interest.] [Rule 45-A(2)added and 45-A renumBered as 45-A(S) - G.O.Ms.No.508, Finance (Pension) department,, dated. 27.06.1995 with, effect from 15th June 1987.]

#### **46. Persons to whom gratuity A payable.**

(1)(a)The gratuity payable under rule 45 shall be paid to the person or persons on whom the right to receive die gratuity is conferred by means of a nomination under rule 48:(i)If there is no such nomination or if the nomination made does, not subsist, the gratuity shall be paid in.-the manner indicated below:-(i)if there are one or more surviving members, of the family as in clauses (i), (ii), (iii) and (iv) of sub rule (5) of rule 45 to all such members in equal shares;.(ii)If there are no such surviving members off the family as in sub clause (v) above, but there are one or more members, as in clauses (v), (vi), (vii) (viii), (ix),(x) and (xi) of sub rule (5) of rule 45, to all such members in equal shares.(2)If a Government servant dies; after retirement, without receiving the gratuity admissible under sub-rule (1) of rule 45, the gratuity shall be disbursed to the family in. the manner indicated in sub-rule (1)[(2-A) If a Government servant dies while in service or after retirement without receiving the gratuity, the share of gratuity of a family member who dies after the death of the Government servant err becomes disqualified but before receiving the payment of his share of gratuity, shall be disbursed to foe family in foe manner indicated in sub-rule (1) and sub-rule (3) of the rule 48] [Rule 46(2-A) inserted - G.O.Ms.No.647, Finance (Pension)- Department, dated 1-8-1995 with- effect from 1st January 1979.](3)The right of a female member of the family, or that of a brother, of a Government servant who dies while in service or after retirement, to receive the share of gratuity shall not be affected if a female member marries or re-marries or the brother attains the age of eighteen years after the death of the Government servant and before receiving her or his share of the gratuity.(4)Where gratuity is granted under rule 45 to a minor member of the family of the deceased Government Servant it shall payable to the guardian on behalf of the minor.Note. - (i) Where a non-valid nomination subsists-(a)when a share is payable to minor sons or minor unmarried daughters it shall be paid to the surviving parent except in the case when the surviving parent happens to be Muslim Lady. Where, however, there is no surviving parent or the surviving parent is a Muslim lady; payment shall be made to the persons producing the guardianship certificate.(b)When a share is payable to widowed minor daughters), production of a guardianship certificate will be necessary(c)If in a rare case the wife herself happens to be a minor the death cum-retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.(d)When there are no surviving members of the family as in items (i),(ii), (iii) and (iv), of sub-rule (5) of rule 45, the death-cum-gratuity becomes payable to a minor brother or a minor unmarried sister, the payment shall be made to the father or in his absence, the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment, shall be made to the persons producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate will be necessary.Note. - (ii) Where a valid nomination subsists.(a)Where the nomination is in respect of one or more of the members of the family, the position stated under item (I) above will apply.(b)Where there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister will also be

valid. The position will, therefore, be as follows:-(i)[\*\*\*] [Rule 46(4) Note (ii)(b) '(i) If the nominee is an illegitimate child, share will be payable to the mother and in her absence the production of a guardianship certificate will be necessary.' omitted -G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.](ii)If the share is payable to a married minor girl, the share will be payable to the husband. In case where payment of the minor(s) share of death-cum-retirement gratuity is to be made to the natural / legal guardian, in order to issue the necessary payment authority in his / her favour, the Accountant General, Tamil Nadu must know this fact as well as the name of the natural legal guardian. If the above information is not given in the sanction order, the Accountant General will have to make enquiries on this.Note. - (iii) Notwithstanding anything contained in the above notes payment of death-cum-retirement gratuity to the extent of [Rs. 10,000] [Rule 46(4) Note (iii) for the expressions 'Rs.5000', the expressions 'Rs. 10,000' in four places substituted - G.O.Ms.No.197, Finance (Pension) Department, dated 16-3-1995 with effect from 07-10-1989.] (for the first 2[Rs. 10,000] where the amount payable exceeds, 3[Rs. 10,000]) in favour of a minor may be made to his / her guardian, in the absence of a natural guardian, without the production of a guardianship certificate but subject to production of an indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of 2[Rs. 10,000], if any, would become payable on the production of a certificate of guardianship.It is essential, however, that there should be adequate prima facie grounds for making payment as stated above to the persons claiming it. Such ground can exist only if he is shown by sworn declaration to be a de facto guardian and his bonafides have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person, is in law a de facto guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in-charge of the property of the minor and is looking after it or that if the minor has no property other than the gratuity the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.The Indemnity Bond shall be executed in Form 25. The stamp duty payable on the Indemnity bond has been remitted by the Government. The Bond should be executed on durable plain paper. It should be signed by the obligor and the surety / sureties or their respective Attorney appointed by Power of attorney. The Indemnity bond should be accepted by the Head of the Department on behalf of the Governor of Tamil Nadu. The obligor as well as the sureties should have attained majority so that the bond may have legal effect or force;

**46A. [ Debarring a person from receiving gratuity. [Rule 46-A inserted - G.O.Ms.No.496, Finance (BG-III) Department, dated 29-07-1981.]**

(1)If a person, who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of rule 46, is charged with offence of murdering that Government servant or for abetting in the Commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.(2)If on the conclusion of the criminal proceeding referred to in sub-rule (1) the person concerned-(a)is convicted for the murder or abetting in the murder of the Government Servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any;(b)is acquitted of the charge of murdering or abetting in the murder of the Government servant,

his share of gratuity shall be payable to him.(3)The provisions of sub-rule (1) and (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of rule 46.] [Rule 45-A (1-A) inserted - G.O.Ms.No.510, Finance (Pension) Department, dated 27-6-1995 with effect from 10th May 1991. fully exonerated on the conclusion of disciplinary proceedings and where the competent authority desires to allow payment of death-cum-retirement gratuity.]

#### **47. Lapse of death cum-retirement gratuity.**

- Where a Government servant dies while in service or after retirement without receiving the amount of gratuity, and(a)leaves behind no family; or(b)has made no nomination; or(c)the nomination made by him does not subsist, the amount of death cum retirement gratuity payable to him under rule 45 shall lapse to the Government.[Provided that the amount of death gratuity or retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.] [Proviso to Rule 47 added - G.O.Ms.No.147, Finance (Pension) Department, dated 12-02-1990 with effect from 12th February 1990.]

#### **48. Nomination.**

(1)A Government servant shall make a nomination in Form 1 or Form 2, as may be as appropriate in the circumstances of the case conferring on one or more persons the right to receive the Death-cum-Retirement Gratuity payable under rule 45:Provided that, if at the time of making the nomination-(i)the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family [\*\*\*] [Proviso (i) to Rule 48(1), the words 'and such nomination shall be in the order laid down in sub-rule (5) of rule 45' omitted- 'G.O.Ms.No.173, Finance (Pension) Department, dated 03-04-1997.].(ii)the Government servant has no family the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.(2)If a Government servant nominated more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such a manner as to cover the entire amount of gratuity.(3)A Government servant may provide in the nomination. -(i)that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination:Provided that if at the time of making the nomination the Government servant has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family.Provided further that where a Government servant has only one member, in his family and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of individual whether incorporated or not;(ii)that the nomination shall become invalid in the event of the happening of the contingency provided therein.(4)The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to clause (i) of sub rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.(5)A Government servant may, at any time cancel a nomination by

sending a notice in writing to the authority mentioned in sub-rule (7): Provided that he shall, along with such notice, send a fresh nomination made in accordance with this rule. (6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (3) or the occurrence of any event by reason of which the nomination, becomes invalid in pursuance of clause (ii) of that sub-rule, the Government servant shall send to the authority mentioned in sub-rule (7) a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule. (7) [(a) Every nomination made (including every notice of cancellation, if any, given) by a self-drawing Government servant under this rule shall be sent - (i) in case the Government servant is a permanent self-drawing Government servant other than a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Audit Officer concerned and (ii) in any other case, including that of a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Head of Office. (b) The Audit Officer or the Head of Office, as the case may be, immediately on receipt of the nomination referred to in clause (a), countersign it indicating the date of receipt and keep it under his custody. (c) (i) The Head of Office may authorise his subordinate [self-drawing Government servants] [Rule 48(7)(c) for the words 'gazetted officers' and 'non-gazetted Government servants', occurring in two places, the words 'self drawing Government servants' and 'non-self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.] to countersign the nomination forms of [non-self drawing Government servants] [Rule 48(7)(c) for the words 'gazetted officers' and 'non-gazetted Government servants', occurring in two places, the words 'self drawing Government servants' and 'non-self drawing Government servants' respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.]. (ii) Suitable entry regarding receipt of nomination shall be made in the service book of the non-self drawing Government servants. (8) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the authority mentioned in sub rule (7).

**49. [\*\*\*] [Rule 49 in the marginal heading the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] Family pension.**

(1) The provision of this rule shall apply to a Government servant entering service in a pensionable establishment whether temporary or permanent on or after the 1st April 1964, or who was in service on the 31st March 1964 and came to be governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964, except the following, namely: - (i) Government servants who retired before the 1st April 1964, but are re-employed on that date or thereafter. (ii) Government servants who are employed in Government Industrial Undertakings to whom the Factories Act, 1948 (Central Act LXIII of 1948) or the Employees' Provident Funds Act, 1952 (Central Act XIX of 1952) are applicable excluding those who are governed by statutory service rules and belong to pensionable service. (iii) Government servants who belong to non-pensionable service, namely persons paid from contingencies, work charged staff, casual labour contract officers. (2) [\*\*\*] [Rule 49(2), the expression 'Subject to the provisions of sub-rule (5) and' omitted - 'G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 21st August 1986.] Without prejudice to the provisions contained in sub-rule (3) where a Government servant dies - (a) after completion of

not less than one year continuous service; or (b) after retirement from service and was in receipt of pension on the date of death, the family of the deceased shall be entitled to a [\*\*\*] [Rule 49(2)(b) the word 'contributory' omitted - G.O, Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension (hereinafter in this rule referred to as family pension), the amount of which shall be determined as follows:-

1 Below Rs.200	30 per cent of pay	Minimum of Rs.50
2 Rs. 200 and above but below Rs.800	15 per cent of pay	Minimum of Rs.60
3 Rs, 800 and above	12 per cent of pay	Maximum of Rs.300 and minimum of Rs.150

[Provided that family pension shall be payable to the family of a Government servant who dies before the completion of one year continuous service, if he was declared fit for Government service by the appropriate medical authority prescribed under the relevant rules immediately prior to his appointment.] [Proviso to Rule 49(2)(b) added - 'G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 29th August 1989.] Notes. - (i) The rules do not prohibit the grant of family pension to the family of a Government servant who commits suicide. (ii) No family pension under these rules shall be payable to the family of a Government servant who dies after retirement unless at the time of his death he was in receipt of or eligible to be paid any of the following classes of pension, namely:- Compensation, Invalid, Retiring or Superannuation Pensions. (iii) The Government servant who have been compulsorily retired on or after 1st April 1964 and who are in receipt of pension are entitled to Family Pension under these rules. (iv) Notwithstanding the pendency of any disciplinary proceedings against the deceased Government servant concerned, family pension shall subject to the provisions in sub-rule (4), be payable to the family of the deceased Government servant. [(2-A) The family pension payable to a family of a Government servant or a retired government servant who died on or after the 1st April 1979, shall be regulated as under, provided he has completed continuous qualifying service for a period of not less than one year:- (i) The amount of monthly family pension shall be calculated at the uniform rate of 30 per cent of pay drawn, subject to a minimum of Rs.100 [Rs.125] [Rs.235] [Rule 49(2-A)(i), for the expression 'Rs. 125', the expression 'Rs.235' substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.] [Rs.245] [Rule 49(2-A)(i), for the expression 'Rs.235' the expression 'Rs,245' substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.] [Rs.375] [Rule 49(2-A)(i), for the expression 'Rs.245 and Rs.1000', the expression 'Rs.375 and Rs.1250' respectively substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.] [Rs.1275] [Rule 49(2-A)(i), for the expression 'Rs.375 and Rs.1250', the expression 'Rs,1275 and Rs.6570' respectively substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 1996.] [Rs.3050] [Rule 49(2-A)(i), for the expression 'Rs.1275 and Rs,6570', the expression 'Rs.3050 and Rs.23100' respectively substituted - G.O, Ms.No.320, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 2006.] per mensem and maximum of Rs.500 [Rs.800] [Rule 49(2-A)(i), for the expression 'Rs.500', the expression 'Rs.800' substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.] [Rs.1000] [Rule 49(2-A)(i), for the expression 'Rs.800', the expression 'Rs. 1000' substituted

- G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 1st December 1984.] s[Rs.1250] [Rs.6570] [Rule 49(2-A)(i), for the expression 'Rs.375 and Rs.1250', the expression 'Rs.1275 and Rs.6570' respectively substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 1996.] [Rs.23100] [Rule 49(2-A)(i), for the expression 'Rs.1275 and Rs.6570', the expression 'Rs.3050 and Rs.23100' respectively substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 2006.] per mensem;(ii)In the case of death after retirement, the quantum of family pension as calculated above shall not exceed the uncommuted value of superannuation pension. A flat rate of family pension of [Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later] [Rs.125] [Rule 49(2-A)(ii), for the expression 'Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later', the expression 'Rs.125 per mensem' substituted -G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982] [Rs.235] [Rule 49(2-A)(ii), for the expression 'Rs.125', the expression 'Rs.235' substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.] [Rs.245] [Rule 49(2-A)(ii), for the expression 'Rs.235', the expression 'Rs.245' substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.] [Rs.375] [Rule 49(2-A)(ii) for the expression 'Rs.245', the expression 'Rs.375' substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.] [Rs.1275] [Rule 49(2-A)(ii) for the expression 'Rs.375', the expression 'Rs.1275' substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.] Rule [Rs.3050] [49(2-A)(ii) for the expression 'Rs.1275', the expression 'Rs.3050' substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.] per mensem shall be sanctioned to the eligible member of the family of the Government servant who died while in service or after retirement and who were hitherto not eligible for family pension.](3)[(a) In the event of death of a Government servant while in service after having rendered not less than seven years continuous service, the rate of family pension payable shall be equal to 50 per cent of the pay last drawn [\*\*\*] [Rule 49(3)(a) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.] or [Rs.500] [Rs.800] [Rule 49(3)(a), for the expression 'Rs.500', the expression 'Rs.800' substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.] [Rs.1000] [Rule 49(3)(a) for the expression 'Rs.800', the expression 'Rs.1000' substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.] [Rs.1250] [Rule 49(3)(a) for the expression 'Rs.1000', the expression 'Rs.1250' substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.] [Rs.6570] [Rule 49(3)(a) for the expression 'Rs. 1250', the expression 'Rs.6570' substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.] [Rs.23100] [Rule 49(3)(a) for the expression 'Rs.6570', the expression 'Rs.23100' substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.], whichever is less, and the amount so admissible shall be payable from the date following the date of death of Government Servant for a period of seven years or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.] [Rule 49(2-A) inserted - G.O; Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.]Notes 1. - In the case of widows or widowers governed by the extraordinary pension Rules, Madras, the child allowance, if any, shall be paid in addition.



**2. The expression, 'the date on which Government servant would have reached the age of superannuation' shall be the case of an officer who is required to retire or who himself chooses to retire under rule 48 of the rules or who after being served with the notice or tendering the notice as the case may be dies while in service or during leave preparatory to retirement before retiring pension mean the date of superannuation in the normal course and not the intended date of retirement on a retiring pension.**

**3. [\*\*\*] [Rule 49(3)(a), Notes Item-3 omitted - G.O.Ms.No.184, Finance (BG-III) Department, dated 14-03-1995 with effect from 1st April 1979.]**

**4. In the case of a Government servant deputed to the Corporation of Madras or Tamil Nadu Housing Board and who retired or dies while under that institution, the pay including special pay drawn by him at the time of retirement or death, as the case may be, shall be taken into account in calculating the family pension.**

(3)(b)After the expiry of the period referred to in clause (a) the family in receipt of family pension under that clause, shall be entitled to family pension at the rate admissible under sub-rule (2).(3)[ (c) In the event of death of a Government servant after retirement, the family pension as determined under clause (a) shall be payable for a period of seven years or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever earlier.] [Rule 49(3)(c) added - G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.][3-A) The amount of family pension finally determined under this rule shall be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.Provided that in no case a family pension in excess of the maximum family pension prescribed under this rule shall be allowed.] [Rule 49(3-A) and Proviso inserted - G.O.Ms.No.443, Finance (Pension) Department, dated 06-06-1995 with effect from 1st January 1979.](4)[ Where an award under the Extraordinary Pension Rules is admissible, no family pension under this rule shall be authorised.] [Rule 49(4) substituted - G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.](5)[\*\*\*] [Rule 49(5) omitted - G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.].(6)The period for which family pension is payable shall be as follows :-(i)in the case of widow or widower, up to the date of death or remarriage, whichever is earlier ;(ii)in the case of a son, until he attains the age of [twenty one years] [Rule 49(6(ii)) for the expression 'eighteen', the words 'twenty one' substituted - G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.] [twenty-five years] [Rule 49(6(ii)) for the words 'twenty-one years', the words 'twenty five years' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988]; and(iii)in the case of an unmarried daughter, until she attains the age of [twenty-four years] [Rule 49(6(iii)) for the expression 'twenty one', the words 'twenty four' substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.] [thirty years] [Rule 49(6(iii)), for the words 'twenty-four years', the words 'thirty years' substituted

-G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.] [twenty five years] [Rule 49(6)(iii), for the words 'thirty years', the words 'twenty five years' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] or until she gets married whichever is earlier:[Provided that if the son or daughter of a Government servant including the son or daughter, born after retirement from the marriage solemnized before or after retirement of a Government servant, is suffering from any disorder or disability of mind [including mentally retarded] [Rule 49(6) Proviso, for words 'Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind [including mentally retarded] or is physically crippled or disabled so as to render him or her unable to earn a living' substituted -G.O.Ms.No.591. Finance (Pension) Department, dated 19-07-1995 with effect from 1st January 1979.] or is physically crippled or disabled, whether such handicap manifests before or after retirement or death while in service of a Government servant, so as to render him or her unable to earn a living] [Rule 48(7)(a) substituted - G.O.Ms.No.] 18, Finance (Pension) Department, dated 14-03-1997.] even after attaining the age of 18 years [21 years] [Rule 49(6) for the figures '18' occurring at two places, the words 'twenty one' substituted -G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.] [25 years] [Rule 49(6) Proviso, for each of the expression '21 years ' and '30 years ', the expression '25 years ' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] in the case of the son and [24 years] [Rule 49(6) for the figures '21' occurring at two places, the words 'twenty four' substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.] [30 years] [Rule 49(6) Proviso, for the expression '24 years', the expression '30 years' substituted - G.O.Ms.No. 282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.] [25 years] [Rule 49(6) (iii) Proviso (i),for the figure '24', the figure '30' substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.] in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-(i)if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (8) until the last minor child attains the age of 21 or [24] [30] [Rule 49(6) (iii) Proviso (i),for the figure '24', the figure '30' substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.], as the case may be, [the age of 25] [Rule 49(6)(iii) Proviso (i), for the expression 'the age of 21 or 30, as the case may be', the expression 'the age of 25' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind including mentally retarded or who is physically crippled or disabled and shall be payable to him / her for life.(ii)[ if there are more than one such son or daughter suffering from disorder or disability of mind [including mentally retarded] [Rule 49(6)(iii) Proviso (ii) - substituted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.] or who are physically crippled or disabled, the family pension shall be paid -(a)in the order of their birth, irrespective of the sex of the child and the immediate younger of him or her will be eligible for family pension only after the elder above him or her becomes ineligible for family pension;(b)in cases of twin children to such twin children in equal shares. In the event of any of such children ceasing to be eligible for family pension his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or

twin children, as the case may be;](iii)[ in the case of minor, the family pension shall be paid to such son or daughter through the guardian] [Rule 49(6) Proviso (iii) substituted - G.O.Ms.No.284, Finance (Pension) Department, dated 07-04-1995 with effect from 3rd August 1989.];(iv)before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child.(v)[ the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind [including mentally retarded] [Rule 49(6) after item (v) items (vi), (vii) and (viii) added - G.O.Ms.No.783, Finance (Pension) Department, dated 16-09-1994 with effect from 20-12-1990.] or continues to be physically crippled or disabled.(vi)such daughter shall not be eligible for family pension from the date on which she gets married.(vii)the family pension payable to such son or daughter shall be stopped if he or she starts earning his (or) her livelihood.(viii)it shall be the duty of the guardian of such son or daughter to furnish every month to the Treasury or Bank, as the case may be, a certificate to the effect that he or she has not started earning his or her livelihood; and in the case of such daughter that she has not yet married.](ix)[ in the case of mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his life time, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on.] [Rule 49(6) (ix) added - G.O.Ms.No. 185, Finance (Pension) Department, dated 28th April 2000.]Explanation.- [\*\*\*] [Explanation to Rule 49(6) 'Only the disability which manifests itself before the retirement or death of Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule.' added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.]] [Proviso to 45-A substituted - G.O.Ms.No.507, Finance (Pension) Department, dated 27-6-1995.](7)(a)(i)Where family pension is payable to more widows than one, the family pension shall be paid to widows in equal shares.(ii)On the death of widow, her share of the family pension shall become payable to her eligible child;[Provided that if the widow is not survived by any child, her share of family pension shall be payable to the other widows in equal shares, or if there is only one such widow, in full to her.] [Proviso to Rule 49(7)(a)(ii) substituted - G.O.Ms.No. 196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.](b)Where the deceased Government or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.[Provided that on the share or shares of family pension payable to child or children or to a widow or widows ceasing to be payable, such share or shares 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.] [Proviso to Rule 49(7)(b) added - G.O.Ms.No-196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.](c)Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives, the eligible child or children shall be entitled to the share of family pension which the mother would

have received at the time of the death of the Government servant or pensioner had she not been so divorced.[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 be payable to the other widow or widows and or to 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.] [Proviso to Rule 49(7)(c) added - G.O.Ms.No, 196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.][Explanation. - For the purpose of this rule, the second wife shall be eligible for the benefits of family pension only if the second marriage-(i)solemnised as per the customary law prevailed among the community before the date of commencement of the Hindu Marriage Act, 1955 (Central Act 25 of 1955); or(ii)solemnised under the Mohammadan Law in which bigamy is permissible.][(7-A) Where family pension is payable to more than one person, each share containing a fraction of a rupee, it shall be rounded off to the next higher rupee (Except in cases where family pension, if all the shares are put together exceed the maximum limit of family pension admissible).Provided that if a family pension (exceptional and rare) where the share of family pension as so rounded off under this sub-rule when added, causes an excess over the maximum limit, such case shall be referred to the Government.] [Rule 49(7-A) and Proviso inserted - G.O.Ms.No.444, Finance (Pension) Department, dated 06-06-1995 with effect from 19th June 1992.](8)(i)Except as provided in sub-rule(7), the family pension shall not be payable to more than one member of the family at the same time.[Explanation. - For the purpose of this rule the twin children born at a single birth shall be treated as of the same age and made eligible for family pension in equal shares".] [Explanation to Rule 49(8)(i) inserted - G.O.Ms.No. 133, Finance (BG.IU) Department, dated 09-03-1981.](ii)If a deceased Government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.(iii)[ (a) If sons and unmarried daughters are alive, the eligible male or female children will be entitled for family pension in the order of their birth, irrespective of the sex of the child, and the immediate younger of him or her will be eligible for family pension only after the elder above him or her become ineligible for family pension. [Rule 49(8)(iii) substituted - G.O Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.](b)In the case of twin children, family pension is payable to such twin children in equal shares in the event of anyone of such children ceasing to be eligible for family pension, his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or twin children, as the case may be.](9)[ \*\*\* ] [Rule 49(9) omitted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.](10)Where family pension is granted under this rule to minor, it shall be payable to the guardian on behalf of the minor.(11)In case both wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife, and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely:- (a)(i)If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule(3), the amount of both fee- pensions shall be limited to six hundred [one thousand] [Rule 49(11)(a) for the words 'six hundred' occurring in two places, the words 'one thousand' substituted - G. O. Ms. No. 768, Finance (BG-III) Department, dated 21-08-1986.] [one thousand and six hundred] [Rule 49(11)(a), for the words 'one thousand' occurring in .two places,

she wards 'one thousand and six hundred' substituted - G.O.Ms.No, 691, Finance (Pension).Department, dated 24-08-1995 with effect from 1st October 1984.] [two thousand] [Rule 49(11)(a), for the words 'one thousand and six hundred' occurring in two-places, the words 'two thousand' substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.] [two thousand and five hundred rupees] [Rule 49(11)(a), for the words 'two thousand' occurring in two places, the words 'two thousand and five hundred' substituted GO.Ms.No. 301, Finance (Pension) Department, dated .26-05-1996 with effect from 1st June 1988.] per mensem.(ii)if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3) and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to six hundred one thousand one thousand and six hundred two thousand two thousand and five hundred per mensem;(b)if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to three hundred [five hundred] [Rule 49(11)(i)(b) for the words 'three hundred', the words 'five -hundred' substituted -G.O.Ms.No.768, Finance (BG-III)-'Department, dated 21-4-8-1986.] [eight hundred] [Rule 49(11)(b), for the words 'five hundred', the words 'eight hundred' substituted G.O.Ms.No.691, Finance (Pension) Department, elated 24-08-1995'with effect from la October 1984.] [one thousand] [Rule 49(11)(b), for the words 'eight hundred', the words 'one thousand' substituted - G.O.Ms.No.692, Finance (Pension) Department, -dated 24-08-1995 with effect from 14th December 1987.] [one thousand two hundred and fifty rupees] [Rule 49(11)(b), for the words 'one thousand', the words 'one thousand two hundred-and fifty' substituted - G.O.Ms. No.501, Finance (Pension)-Department,,dated 26-04-1996 with effect from 1st June 1988.] per mensem.(11 - A) Where female Government Servant or male Government servant dies leaving behind a judicially separated husband or widow ,and there is no child or children, the family pension in respect of the deceased shall be payable to the person surviving:Provided that wherein a ease the judicial separation is granted on the ground of adultery and the death of the Government servant take place during the period of such judicial separation, the family pension Shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.(11 -B) (a) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall he payable to the surviving person provided he or she is "the guardian of such child or children.(b)Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.(11-C) (a) if .the person who in the event of death of a Government servant while in service or after retirement is eligible to receive family pension under this rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the claim of such a person including other eligible member or members of the family to receive the family pension shall remain suspended till the conclusion of the criminal proceedings instituted against him.(b)If on the conclusion of the criminal proceedings referred to in clause (a) the person concerned.(i)is convicted for murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family from the date of the death of the Government servant.(ii)is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such person from the date of the death of the Government servant".[(11-D) Where the family pension is payable to a son or daughter born after retirement, on or after the 1st January

1979, such family pension shall be payable with effect on and from the 1st January 1989.] [Rule 49(11-D) inserted - G.O.Ms.No.582, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.](12)[(a)(i) As soon as a Government servant has completed one year's service, he shall give the details of his family in Form 3 to the Audit Officer, if he is a self-drawing Government servant and to the Head of Office, if he is a non-self drawing Government servant. Provided that a Government servant holding a lien or suspended lien on a non-self drawing service or post and holding a self-drawing service or post in a temporary or officiating capacity shall furnish the details of his family in Form 3 to the Head of Office.] [Rule 49(12)(a)(i) substituted and Proviso added - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.](ii)(a) If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family.(b) The Government servant shall communicate to the Audit Officer or the Head of Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his female child.(c) The Audit Officer shall on receipt of the said Form 3, keep it in safe custody and acknowledge receipt of the said Form 3, all further communications received from the Government servant in this behalf.(d) The Head of Office shall, on receipt of the said Form 3, paste it in the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.(e) The Audit Office or the Head of Office, as the case may be, on receipt of communication from the Government servant regarding any change in the size of family shall incorporate such a change in Form 3.(13) For the purposes of this rule, -(a) "continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include. -(i) period of suspension, if any; [and] (ii) period of service, if any rendered before attaining the age of eighteen years; and (iii) [period of extraordinary leave without medical certificate.] [Rule 49(13)(a)(i) the word 'and' omitted, Rule 49(13)(a)(ii) the word 'and' added and Rule 49(13)(a)(iii) added - C.O.Ms.No. S78, Finance (Pension) Department, dated 25-10-1994 with effect from 1st January 1979.](b) family, in relation to a Government servant mean -(i) [ (a) wife in the case of a male Government servant or husband in the case of a female Government servants; [Rule 49(13)(b)(i) and (i-a) substituted as (i)(a) and (i)(b) - G.O.Ms.No.583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.](b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.](ii) [ son who has not attained the age of twenty one years [twenty five years] [Rule 49(13)(b)(ii) substituted - G.O.Ms.No. 768, Finance (BG-III) Department, dated 21-08-1986.] and unmarried daughter who has not attained the age of twenty four years Rule [thirty years] [49(13)(b)(ii), for the words 'twenty-four years', the words 'thirty years' substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.] twenty five years [including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife] [Rule 49(13)(b)(ii), for the words 'including such son and daughter adopted legally', the words 'including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife' substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.] [\*\*\*] [Rule 49(13)(b)(ii) the words 'before retirement' omitted - G.O.Ms.No.506, Finance (Pension) Department, dated 23-06-1994.] [and such son or daughter born after retirement, on or after the 1st January 1979] [Rule 49(13)(b)(ii), for the words 'but shall not include son or daughter born after retirement', the words 'and such son or daughter born after retirement, on or after the 1st January 1979' substituted - G.O.Ms.No.582, Finance (Pension)

Department, dated 17-07-1995 with effect from 1st January 1979.].(iii)[ father and mother [including step mother] in the case of unmarried Government servants.] [Rule 49(13)(b)(iii) the words 'including step mother' inserted - G.O.Ms.No. 132, Finance (Pension) Department, dated 23-02-1995 with effect from 28-12-1983.](iii)[ [legally adopted son and daughter, father] [Rule 49(13)(b)(iii) substituted - G.O.Ms.No.581, Finance (Pension) Department, dated 06-09-1996 with effect from 1st January 1979.], failing which the mother, in the case of unmarried Government servant subject to the condition that such person declares to be dependent on the deceased Government servant.](c)"pay" means the emoluments as specified in rule 30.Provided that in a case in which average emoluments as referred to in rule 31 are treated as emoluments for the purpose of Death-cum-Retirement Gratuity referred to in rule 45, such average emoluments shall be treated as pay:[Provided further that if the emoluments of the deceased Government servant have been reduced during the last ten months of his service other than as penalty, the average emoluments as referred to in rule 31 shall be treated as pay.] [Second Proviso to Rule 49(13)(c) added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.]Note 1. - One half of deputation (Duty) allowance while on deputation to other Government shall also be taken into account as pay for the purpose of this rule.[Note 2. - Pay drawn by a Government servant appointed under rule 10 (a) (i) or rule 39 (a) (i) of the General [(13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension, or invalid pension is governed for the grant of ordinary family pension under military rules and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension under this rule or the family pension already authorized under military rules be governed as follows:- [Note-2 Under Rule 49(13)(c) omitted - G.O.Ms.No. 752, Finance (Pension) Department, dated 02-09-1994 with effect from 1st January 1979.](a)if he dies, while holding a civil post, his family shall be allowed family pension under this rule, or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family;(b)if he has an appointment to a civil service or post, opted to retain military pension for the past military service and -(i)retires from the civil re-employment without earning any pension therefor, his family shall be entitled for family pension as authorized at the time of his retirement or discharge from the military service;(ii)retires from the civil re-employment after becoming eligible for pension therefor, he shall exercise an option at the time of applying for pension for the civil service either to be governed by family pension under this rule or to avail of family pension benefits, as authorized at the time of his retirement or discharge from the military service and such option once exercised shall be final.(c)if on appointment to a civil service or post, he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under this rule.][(13-B) Family pension admissible under this rule shall not be granted to a person who is already in receipt of family pension or is eligible therefor under any other pension rules:Provided that a person, who is otherwise eligible for family pension under this rule, may opt to receive family pension under this rule if he forgoes family pension admissible from any other rules,] [Rule 49(13-B) and Proviso inserted - G.O.Ms.No.23, Finance (Pension) Department, dated 06-01-1996.](14)Nothing contained in this rule shall apply to -(a)a re-employed Government servant who had retired before the 1st April 1964, from-(i)Civil Service on retiring pension or superannuation pension or(ii)Military service on retiring pension, service pension or invalid pension and who on the date of re-employment had attained the age of superannuation applicable to the post in which he is re-employed.(b)a military pensioner who has retired from military service on

or after the 1st April 1964 or retires from such service after the commencement of these rules on retiring pension, service pension or invalid pension and is re-employed in a civil service or post before attaining the age of superannuation.(c)A Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or any other body, incorporated or not, is sanctioned pension under rule 34.

**49A. [ Benefits to the family of a disappearing Government servants. [Rule 49-A inserted - G.O.Ms.No. 540, Finance (Pension) Department, dated 05-07-1995 with effect from 4th June 1987.]**

- When a Government servant disappears leaving his family, the family of such Government servant shall be entitled immediately for the payment of dues of salary, leave encashment, General Provident Fund and Special Family Pension-cum-Gratuity and after lapse of a period of Rule [two years] [Explanation to Rule 49(7)(c) added - G O Ms No 906, Finance (Pension) Department, dated 06-12-1995 with effect from 2nd June 1992.] of such disappearance, for the payment of dues of Death-cum-Retirement Gratuity and Family Pension in accordance with the nomination made by such Government servant, subject to the following conditions, namely:-(i)a complaint must have been lodged with the police station concerned and a report obtained that the Government servant has not been traced despite all efforts made by the police; and(ii)an Indemnity Bond must have been executed by the nominee or dependents of the such Government servant to the effect that all payments shall be adjusted against the payment due to the such Government servant in case he appears later and makes any claim.][Explanation. - The date of disappearance of the Government servant shall be reckoned from the date on which the complaint is lodged with the police.] [Explanation to Rule 49-A added - G.O.Ms.No.448, Finance (Pension) Department, dated 12-10-1999 with effect from April 1991.]

**49B. [ Family pension in certain cases not to be governed by the Family Pension Rules, 1964. [Rule 49-B inserted - G.O.Ms.No.744, Finance (Pension) Department, dated 22-09-1995 with effect from 1st April 1979.]**

- Where a Government servant who is not governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964 dies,-(a)after completion of not less than one year continuous service;or(b)after retirement from service, the family of the deceased Government servant shall be entitled to a family pension at a flat rate of Rs. 100/- per mensem.(2)Any member of the family of the deceased Government servant, who is in receipt of a family pension under any rules in force prior to the 1st April 1964, may exercise his option to receive family pension under the said rules or under sub-rule (1).(3)Every member of the family of the deceased Government servant, who opts to continue to be governed by the old rules, shall be paid a family pension determined by taking together the family pension and dearness allowance thereon paid to him immediately before the 1st April 1979.(4)The conditions of eligibility for family pension specified in rule 49 shall apply mutatis mutandis in respect of the family pension under sub-rule (1).]



## 50. Non-contributory family pension.

(1) The provisions of this rule shall apply to the Government servant who was in service on the 31st March 1964 and has specifically opted for the scheme of family pension (hereinafter referred to in this rule as non-contributory family pension) admissible under the Liberalised Pension Rules 1960.

(2) A non-contributory family pension shall be granted for a period not exceeding ten years to the family of a Government servant who dies while in service after completion of not less than twenty years qualifying service. Provided that the Government may, in exceptional circumstances, grant such pension to the family of a Government servant who dies while in service after completion of not less than ten years qualifying service; Note. - A case shall be considered as "Exceptional" if the amount receivable by the family by way of Insurance, Provident Fund and Death-cum-Retirement Gratuity of the deceased Government servant together does not exceed 48 times the monthly pay of the officer at the time of his death. Provided further that the period of payment shall in no case, extend beyond a period of five years from the date on which the Government servant would have retired in the normal course on superannuation pension. Explanation. - Where a Government servant dies while on extension of service the date up to which extension of service had been granted to him before his death shall be construed as the date on which the Government servant would have retired on superannuation pension.

(3) (a) The amount of non-contributory family pension payable under sub-rule (2) shall be one-half of the superannuation pension which would have been admissible to the Government servant had he retired on the date following the date of his death. (b) The amount of non-contributory family pension payable under sub-rule (3) shall be of one-half of the pension sanctioned to the Government servant at the time of his retirement and if the pensioner had, before his death, commuted a part of his pension, the commuted part of the pension shall be deducted from the amount of non-contributory family pension: Provided that the amount of non-contributory family pension payable under clause (a) or clause (b) shall be subject to a maximum of one hundred and fifty rupees per month and a minimum of fifty rupees per month; Provided further that where the amount of non-contributory family pension is less than fifty rupees per month the difference shall be made good by the grant of further increase in the amount of non-contributory family pension.

(4) No non-contributory family pension shall be payable under this rule - (a) to a person mentioned in clause (b) of sub-rule (5) without production of reasonable proof that such person was dependant on the deceased Government servant for support; (b) to an unmarried female member of a Government servant's family, in the event of her marriage; (c) to a widowed female member of a Government servant family in the event of her re-marriage and (d) to a brother of a Government servant, on his attaining the age of eighteen years; and (e) a person who is not a member of a Government servant's family.

(5) (a) Except as may be provided by nomination under sub-rule (6), the non-contributory family pension sanctioned under this rule shall be payable - (i) to the widow and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant. Note. - The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their age; (ii) failing a widow or husband, as the case may be, to the eldest surviving son; (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter. (iv) Failing the above, to be eldest surviving widowed daughter. (b) if there are no surviving members of the family as in clause (a), the non-contributory family pension may be granted: - (i) to the father; (ii) failing (i) above, to the

mother;(iii)failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years;(iv)failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister;(v)failing the above, to the eldest surviving widowed sister.(6)(a)A Government servant, shall, on his confirmation in a service or post, make a nomination in Form 4 indicating the order in which a non-contributory family pension should be paid to the members of the family and, to the extent it is invalid, the non-contributory family pension shall be payable in accordance with such nomination.Provided that the persons concerned satisfy the requirements of sub-rule (4) on the date from which such non-contributory pension may fall due.(b)In case the person concerned does not satisfy the requirements of sub-rule (4), the non-contributory family pension shall be granted to the person next lower in the order shown in the nomination,(c)The provisions of sub-rules(5),(7) and (8) of rule 48 shall apply in respect of nominations made under this sub-rule.(7)(a)A non-contributory family pension granted under this rule shall not be payable to more than one member of a Government servant's family at the same time.(b)If the non-contributory family pension granted under this rule ceases to be payable on account of death or marriage of the recipient or other causes, it shall be re-granted to the person next lower in the order mentioned in sub-rule (5) or to the person next lower in the order shown in the nomination made under sub-rule (6) as the case may be, who satisfies the other provisions of this rule.(8)A non-contributory family pension sanctioned under this rule shall be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of Government servant family.(9)Where non-contributory family pension is granted under this rule to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.(10)For the purpose of this rule, the expression 'family' in relation to a Government servant means, the family as defined in clauses (I) to (VIII) of sub-rule 6 of 45.(11)Nothing contained in this rule shall apply to a Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is sanctioned pension under rule 34.

**50A. [ Dearness Allowance on Pension and Family Pension. [Rule 50-A inserted - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.]**

- (i) Allowance against price rise may be granted to the pensioners and family pensioners in the form of dearness allowance at such rates and subject to such conditions as the Government may specify, from time to time.(ii)[ If a pensioner is re-employed under the Central Government or a State Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund in India or abroad, he shall not be eligible to draw dearness allowance on pension during the period of such re-employment.[Provided that in the case of re-employment in a post on fixed pay or time scale of pay, where dearness allowance is allowed, dearness allowance on pension shall be suspended and in all other cases of re-employment where no dearness allowance is allowed, in addition to remuneration, dearness allowance on pension shall be allowed subject to the limit of emoluments drawn at the time of retirement.](iii)The State Government employees who get permanently absorbed and who elects for lump sum amount in lieu of pension in terms of rule 35, shall not be eligible for dearness allowance.](iv)[ In the case of pensioners / family pensioners who are in receipt of more than one pension, the dearness allowance where admissible shall be calculated on the total of all pensions taken together.] [Rule 50-A(iv) added- G.O.Ms.No. 74, Finance (Pension)

Department, dated 01-03-1999.]] [Provided that dearness allowance on provisional pension, as provided in rules, 60, 66 or 69, shall be granted to the Government servant who is permitted to retire on attaining the age of superannuation or otherwise without prejudice to the disciplinary proceeding pending against him under sub-rule (2) of rule 9.] [Proviso to Rule 50-A added - G.O.Ms.No. 689, Finance (Pension) Department, dated 05-11-1996 with effect from 23rd December 1992.]

**50B. [ Medical Allowance for pensioner and family pensioner. [ule 50-B and Explanation inserted - G.O.Ms.No.877, Finance (Pension) Department, dated 25-10-1994 with effect from 1st September 1986.]**

- Pensioner including family pensioner shall be paid medical allowance of Rs.15/- [Rs.30/-] [Rs.50/-] [Rule 50-B for the expression 'Rs.30/-' the expression 'Rs.50/-' substituted - G.O.Ms.No. 130, Finance (Pension) Department, dated 20-03-1997 with effect from 1st December 1995.] [Rs.100/-] [Rule 50-B for the expression 'Rs.50/-' the expression 'Rs.100/-' substituted - G.O.Ms.No.488, Finance (Pension) Department, dated 07-10-2009 with effect from 1st June 2009.] per mensem along with monthly pension or monthly family pension as the case may be in lieu of medical reimbursement scheme.Explanation. For the purpose of this section the term "pensioner" includes pensioner under the All India Services (Death-cum-Retirement Benefits) Rules, 1958 who has opted for the State medical reimbursement.]] [Provided that the family pensioner whose spouse died before attaining superannuation and who desires to avail medical allowance in lieu of medical reimbursement scheme till the normal date of retirement of the deceased Government servant shall give option thereof within two months from the date of receipt of family pension.] [Rule 50-B Proviso added - G.O.Ms.No.445, Finance (Pension) Department, dated 06-06-1995 with effect from 1st June 1989.] Chapter - VII Applications For and Sanction of Pensions

**51. Preparation of list of Government servant's due for retirement.**

(1) Every Head of the Department shall have a list prepared every six months that is, on the 1st January and the 1st July each year of all [self drawing and non-self drawing Government servants] [Rule 51(1) for the words 'gazetted and non-gazetted Government servants', the words 'self drawing and non-self drawing Government servants' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] who are due to retire within the next [24 to 30 months] [Rule 51(1) for the expression '12 to 18 months', the expression '24 to 30 months' substituted - G.O.Ms.No. 1110, Finance (BG-III) Department, dated 11-12-1980.] of that date.(2) A copy of every list referred to in sub-rule (1) shall be supplied to the Audit Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year.(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement become; known to him.Note. - Pension application should not be treated as papers which may be dealt with in ordinary course; but their disposal as well as subsequent references, if any, from the Accountant-General or any other Officer should be regarded as urgent.

**52. [Intimation to the Department in-charge of the building regarding issue of 'No Demand Certificate'. [Rule 52 substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19h November 1985.]**

- The Head of the Department or the Head of Office shall write to the Department in charge of building at least two years before the anticipated date of retirement of a Government servant who is in occupation of a Government accommodation for issue of 'No Demand Certificate' so that the sanction of pension and gratuity is not delayed and the necessary Government dues are realised within the period specified in sub- rule (3) of rule 71. On receipt of such intimation, the Head of the Department or the Head of Office shall inform at least eight months before the date of retirement, the amount of rent for such Government accommodation recoverable from such Government servant.]

**53. Submission of application for pension.**

- Every Government servant shall submit in writing an application for pension in Form 5. Provided that a [self-drawing Government servant] [Rule 53(1) in the Proviso, for the words 'gazetted Government servant' and 'non-gazetted Government servant ', the words 'self drawing Government servant' and 'non-self drawing Government servant' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] shall send his application direct to the Audit Officer and [non-self drawing Government servant] [Rule 53(1) in the Proviso, for the words 'gazetted Government servant' and 'non-gazetted Government servant ', the words 'self drawing Government servant' and 'non-self drawing Government servant' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] to the Head of Office. (2) Every Government servant shall submit his application for pension at least one year in advance of the date of his anticipated retirement; Provided that - (i) in a case in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled; and (ii) a Government servant, proceeding on leave preparatory to retirement in excess of one year, shall submit the application at the time of proceeding on such leave.

**54. [ Self-drawing Government servants drawing pay on establishment bills and other Government servants holding self-drawing posts in officiating capacity. - (1) A self-drawing Government servant whose pay and allowance are drawn by the Head of Office on establishment bills shall be treated as a non-self-drawing officers. Such Government servant shall submit his application for pension to the Head of Office and the procedure laid down in Rule 61 to 69 (both inclusive) shall apply to him.] [Substituted G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.]**

(2) In the case of a Government servant holding a lien or a suspended lien on a [non-self drawing] [Rule 54(2) for the words 'gazetted' and 'non-gazetted', wherever they occur, the words 'self drawing' and 'non-self drawing' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department,

dated 14-03-1997.] post and holding a [self-drawing] [Rule 54(2) for the words 'gazetted' and 'non-gazetted', wherever they occur, the words 'self drawing' and 'non-self drawing' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer at least one year in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a [gazetted] self-drawing post only during the last year of his service, after verifying that the certificate of verification relating to [non-gazetted] non-self drawing service has been recorded and that the service book is complete in all respects.

**55. [Authority competent to sanction provisional pension, etc. [Rule 55 substituted - G.O.Ms.No. 14, Finance (Pension) Department, dated 05-01-1996 with effect from 17th August 1987.]**

(1)The Government in the case of Head of Department, the Head of the Department in the case of self-drawing officers except Head of Department, the Head of Office in the case of non-self drawing officers, shall be competent to sanction provisional pension or Death-cum-Retirement Gratuity.(2)The Government shall be competent to sanction family pension or Death-cum-Retirement Gratuity to the family of a Government servant whose whereabouts are not known.(3)In other cases, Government or the Head of the Department or the Head of Office, as the case may be, shall send the pension papers to the Accountant General straightaway. A "No disciplinary case Certificate" shall be sent to the Accountant General one month before retirement of a Government servant. If there is any disciplinary case pending against him, it shall also be intimated to the Accountant General one month before retirement.]

**56. Revision of pension after sanction.**

(1)Subject to the provisions of rules 8 and 9, pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of clerical error subsequently and where it is found to be in excess of the amount finally assessed by the Audit Officer:Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the pension sanctioning authority without the sanction of the Government if the clerical error is detected after a period of two years from the date of sanction of pension.(2)For the purposes of sub-rule (1) the Government servant concerned shall be served with a notice by the pension sanctioning authority, requiring him to refund the excess payment of pensions within a period of two months from the date of receipt of notice by him.(3)In case the Government servant fails to comply with the notice, their pension sanctioning authority shall, by order in writing direct that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the said authority may direct.[Self Drawing Government Servants] [After Rule 56, for the heading 'Gazetted Government Servants', the heading 'Sew Drawing Government Servants' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.]

## 57. Preparation of pension paper.

- The Audit Officer concerned shall undertake the work of preparing pension papers in Form 5 [two years] [Rule 57, for the words 'one year', the words 'two years' substituted - G.O.Ms.No.276, Finance (BG-III) Department, dated 20-04-1981.] before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier. This work shall not be delayed till the Government servant has actually submitted his application for pension. Note. - (1) In this rule and in rules 58, 59 and 60 the expression "Government servant" means a gazetted Government servant other than a gazetted Government servant referred to in sub-rule (1) of rule 54. Note. - (2) Where the office of the authority competent to sanction pension to a retiring Government servant is situated in the circle of an Audit Officer other than the Audit Officer who audits the pay and allowances of such retiring Government servant immediately before his retirement, the latter, Audit Officer shall be the Audit Officer for the purpose of this rule.

## 58. Further action to sanction pension.

(1)(a) The Audit Officer concerned shall send to every Government servant, under intimation to the Head of the Department, or where their retiring Government servant is himself the Head of the Department, to the Administrative Department concerned, the application for pension in Form 5 one year in advance of the date on which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier with the request that it should be returned to him duly completed within a period of [six months] [Rule 58(3)(a), for the words 'three months', the words 'six months' substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.], from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement. (b) The Audit Officer shall also draw the attention of the retiring Government servant to the provisions of rule 78. (2) On receipt of a copy of application for pension from the Audit Officer, the retiring Government servant shall return it duly completed to the Audit Officer within the period mentioned in sub-rule (1) under intimation to the Head of the Department or the Administrative Department if he is himself the Head of the Department. (3)(a) The Head of the Department or the Administrative Department shall communicate the orders of the pension sanctioning authority to the Audit Officer in Form 5 within a period of [six months] [Rule 58(3)(a), for the words 'three months', the words 'six months' substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.] from the date of receipt of the intimation referred to in sub-rule (1) but in no case later than the date of retirement of the Government servant. (b) If the orders of the pension sanctioning authority are not received by the Audit Officer within the period mentioned in clause (a) he shall assume that the retiring Government servant has been allowed full pension or gratuity or both as admissible under the rules. (c) If, after the communication of the order of sanction to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority. (d) In case no such event has occurred, a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the Government servant after the despatch of Form 6 mentioned in clause (a) shall be forwarded to the Audit Officer within a week of the date on which the

Government servant retires.(4)The Head of Office shall furnish to the Audit Officer at least [two months] [Rule 58(4), for the words 'fourteen days', the words 'two months' substituted - G.O.Ms.No,242, Finance (Pension) Department, dated 08-05-1997.] before the date of retirement of the Government servant, the following particulars, namely.-(a)Government dues recoverable out of the gratuity-(i)contribution towards contributory family pension, if applicable:(ii)Government dues which have been ascertained and assessed:(iii)Dues to local bodies or to the staff co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act or to the corporation owned/controlled by the Government.(b)amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far.Provided that the Audit Officer shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 71 the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.(5)When the Government servant has retired from service a notification in the Official Gazette specifying the actual date of his retirement shall be issued within a week of such date and a copy of every such notification shall be forwarded immediately to the Audit Officer:Provided that where a notification in the Official Gazette regarding the grant of leave preparatory retirement to a government servant is issued, a further notification that the Government servant actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.(6)The Audit Officer shall finally assess the pension and gratuity. If the pension is payable in his circle of audit, he shall, after taking into account the orders of the pension sanctioning authority [\*\*\*] [Rule 58(6) the expression 'and the audit enforcement on Section I of Part III of Form 7' omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.] and the dues mentioned in sub-rule (4), prepare the Pension Payment Order and order for the payment of gratuity.Provided that the Pension Payment Orders and order for the payment of gratuity shall not be issued more than a fortnight in advance of the date on which the Government servant is due to retire.(7)If the pension is payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of the circle who shall arrange payment at the Treasury concerned.(8)The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly reported to the pension sanctioning authority.(9)[ (a) The calculation sheet of the Government servant shall be prepared by the Audit Officer in quadruplicate in Form 26.(b)The Audit Officer, while issuing the authorization shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies to that calculation sheet to each of the following persons, namely;-(i)The pensioner along with the pensioner's half of Pension Payment Order;(ii)The Pension Disbursing Officer, and(iii)The Head of the Department or pension sanctioning authority, as the case may be.(c)The Head of the Department or Pension Sanctioning Authority, as the case may be, on receipt of the calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in the Register to be maintained for the purpose with proper index,]

## **59. Sanction of anticipatory pension and gratuity.**

(1)When a Government servant is likely to retire before his pension or, gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, the Audit Officer shall determine the pension or gratuity or both to which after the most careful summary investigation

that he can make without delay, he believes the Government servant to be entitled. He shall then authorise the disbursement of the pension so determined as 'anticipatory pension' not exceeding the maximum admissible and Death-cum-retirement Gratuity restricted to eighty per cent deducting there from the dues mentioned in sub-rule (4) of rule 58. If the pension is payable in England, he shall report the amount payable to the High Commissioner for India in the United Kingdom who will authorise the disbursement of the amount reported or such smaller amount as may be deemed proper. (2) The amount payable under sub-rule (1) shall be subject to revision on the completion of the detailed investigation and inquiries, if any. (3) If the amount of pension granted to a Government servant under sub-rule (1) is afterwards found to be in excess of that to which he is entitled under these rules, he shall be called upon to refund such excess in the manner and under the conditions specified in rule 56. If, however, the amount of the gratuity so disbursed proves to be larger than the amount finally assessed, the pensioner shall be required to refund the excess actually disbursed to him.

**60. Provisional pension where departmental or judicial proceeding [or enquiry by the Director of Vigilance and Anti-corruption] [Rule 60, in the marginal heading, after the words 'judicial proceedings', the words 'or enquiry by the Director of Vigilance and Anti-corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.] may be pending.**

(1)(a) In respect of a Government servant, referred to in sub-rule (4) of rule 9, the Audit Officer shall authorise the payment of provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service up to the date of retirement of the Government servant. (b) The provisional pension shall be authorised by the Audit Officer during the period commencing from the date of retirement to the date on which, upon conclusion of the departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption] [Rule 60(1)(b) and 60(3), after the words 'judicial proceedings', the words 'or enquiry by the Director of Vigilance and Anti-corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.], final orders are passed by the competent authority. (c) No gratuity shall be authorised to the Government servant until the conclusion of such proceedings and issue of final orders thereon. [Provided that no such gratuity, shall be withheld in respect of a Government servant, who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government.] [First Proviso to Rule 60(1)(c) added - G.O.Ms.No.286, Finance (Pension) Department, dated 07-04-1995 with effect from 04th July 1988.] [Provided further that where a Government servant, against whom a departmental or judicial proceedings involving pecuniary loss to Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorized after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with un-recovered Government dues if any, of such Government servants, with interest.] [Second Proviso to Rule 60(1)(c) added - G.O.Ms.No.287, Finance (Pension) Department, dated 07-04-1995 with effect from 1st October



1991.](2)Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government 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.(3)Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption]. [Non-Self Drawing Government Servants] [After Rule 60, for the heading 'Non-Gazetted Government Servants', the heading 'Self Drawing Government Servants' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.]

## **61. Preparation of pension paper.**

(1)Every Head of office shall undertake the work of preparing pension papers in Form 5 [two year] [Rule 61(1), for the word 'one year', the words 'two years' substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.] before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement whichever is earlier. The work shall not be delayed till the Government servant has actually submitted his application in writing for pension in Form 5.(2)(a)The Head of Office shall send to every Government servant the application for pension in Form 5 one year in advance of the date on which the Government servant, attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of [six months] [Rule 61(2)(a), for the words 'three months', the words 'six months' substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.] from the date of issue of intimations to the Government servant by him but in no case later than the actual date of retirement,(b)The Head of Office shall also draw attention of the retiring Government servant to the provisions of rule 78.[Note - In this rule and in rules 62 to 69 (both inclusive), the "Government servant" means a non-self drawing Government servant whose pay and allowances are drawn by the Head of Office on establishment Bills.] [Rule 61 for the Note, substituted - G. O.Ms. No. 118, Finance (Pension) Department, dated 14-03-1997.]

## **62. Verification of service.**

(1)The Head of Office shall prepare in Section I of Part II of Form 5 a statement of the Government service.(2)(a)The Head of Office shall go through the service book and the service roll, if any, of the Government servant and satisfy himself as to whether the annual certificates of verification for the entire service are recorded therein.(b)In respect of the unverified portion or portions of service, he shall arrange to verify it or them, as the case may be with reference to pay bills, acquittance rolls or other relevant records and record necessary certificates in the service book or service rolls, as the case may be.(3)If the service for any period is not capable of being verified in the manner specified in sub-rule (2), that period of service having been rendered by the Government servant in another office or department, a reference shall be made to the Head of that office, or, as the case may be, Head of that department in which the Government servant is shown to have served during that period for the purpose of verification.(4)(a)If any portion of service rendered by a Government

servant is not capable of being verified in the manner specified in sub-rule (2) or sub-rule (3), the Government servant shall 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 a declaration as to the truth of the statement, and shall, in support of such declaration, produce all documentary evidence and furnish all information which is in his power to produce or furnish. (b) The authority competent to sanction pension to that Government servant shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service admit, if satisfied, that portion of service as having been rendered for the purposes of calculating the pension of that Government servant.

### **63. Completion of pension papers.**

(1) After completing the service statement mentioned in rule 62, the Head of office shall complete Part I and II of Form 5, irrespective of the fact, whether an application for pension has been received from the Government servant or not. (2) If at the time of completing Part I of Form 5 the said application from the Government servant has not been received, the relevant columns in Part I and II of Form 5 shall be left unfilled and relevant entries made as soon as the said application is received.

### **64. Forwarding of pension papers to Audit Officer.**

(1)(a) After complying with the requirements of rule 63 the Head of office shall certify in Form 5 as to whether the character, conduct and past service of the Government servant are such as to entitle him to the favourable consideration of the pension sanctioning authority. (b) The Head of office shall also record in Form 5 his opinion as to whether the service claimed has been established and should be admitted or not. (c) Whether the Head of Office is not the pension sanctioning authority, he shall obtain the orders of such authority in Form 5. (2)(a) After completing Form 5, Head of office shall send Form 5 in original to the Audit Officer, [not later than six months before the date of retirement of the Government servant] [Rule 64(2)(a), after the words 'Audit Officer', the words 'not later than six months before the date of retirement of the Government servant' inserted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.], with a covering letter in Form 8 along with the Government servant's service book and service roll, if any, duly completed up-to-date and any other documents relied upon for the verification of the service claimed in such a manner that they can be conveniently consulted. (b) The Head of office shall retain one copy of each of the above forms for his office record. (3) Where payment is desired in another circle of audit, the Head of office shall send in duplicate Form 5 to the Audit Officer. (4) (a) The Head of Office shall also prepare calculation sheet of the Government servant in quadruplicate in Form 26 and forward them to the Audit Officer along with the documents specified in clause (a) and sub-rule (2) and the Audit Officer shall certify all the four copies. (b) The Audit Officer, while issuing the authorization shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies of that calculation sheet to the each of the following persons, namely:-(i) The Pensioner along with the pensioner's half of Pension Payment Order; (ii) The Pension Disbursing Officer; and (iii) The Head of Office or Pension sanctioning authority, as the case may be. (c) The Head of Office or Pension Sanctioning Authority, as the case may be, on receipt of the

calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in a Register to be maintained for the purpose with proper index.]

## **65. Intonation to Audit Officer regarding any event having a bearing on pension.**

(1) If, after the pension papers have been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority. (2) Where the pension papers have been sent to the Audit Officer before the actual date of retirement of the Government servant a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting the service by the pension sanctioning authority to the date of actual retirement together with a copy of the order specifying the date of actual retirement shall be forwarded to the Audit Officer within a week from the date of actual retirement of the Government servant. (3) The Head of office shall furnish to the Audit Officer, at least [two months] [Rule 65(3), for the words 'fourteen days', the words 'two months' substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.] before the date of retirement of the Government servant, the following particulars, namely: -(a) Government dues recoverable out of the gratuity, before payment is authorised, that is to say-(i) contribution towards contributory family pension, if applicable; (ii) Government dues which have been ascertained and assessed; (iii) dues to local bodies or to the staff co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act or to Corporation owned /controlled by the Government. (b) Amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far: Provided that the Head of office shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 71, the Government servant has made a cash deposit or furnished a surety of a permanent Government servant. (4) [ If the dues, which are not assessed, are wholly or partly due to non-vacation of Government accommodation after retirement, the Head of Office shall, within six months from the date of retirement, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the amount withheld relates to unascertainable dues not connected with the non-vacation of Government accommodation and shall proceed to refund such amount.] [Rule 65(4) added - G.O.Ms.No.446, Finance (BG.II) Department, dated 30-06-1981.]

## **66. Sanction, drawal and disbursement of provisional pension and of gratuity.**

(1) After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of office shall draw full gratuity admissible along with the provisional pension not exceeding the maximum even in the first instance as indicated in Part II of Form 5 and for this purpose adopt the following procedure, namely:-(a) he shall issue a sanction letter to the Government servant endorsing a copy thereof to the Audit officer indicating amount of provisional pension along with the full gratuity not exceeding the maximum payable to such Government

servant on retirement from service.(b)he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3) of rule 65;(c)after the issue of the sanction letter he shall draw-(i)the amount of provisional pension; and(ii)the amount of full gratuity not exceeding the maximum admissible after deducting there from the dues mentioned in clause (b) in M.T.C 47-A appended to the Treasury Rules of the Government from the Treasury at which the pay and allowances of the establishment are drawn by him; and(d)he shall obtain from such Government servant on retirement from service a certificate of non- employment as mentioned in sub-rule (6) and append the same to the said form M.T.C. 47-A.(2)The Head of office shall take steps to draw and disburse the provisional pension and gratuity to the retired Government servant on the first day of the month following the month in which the Government servant retired from service.(3)The payment of provisional pension shall continue for a period of 12 months from the date of retirement of the Government servant unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 68.(4)The Head of Office shall inform the Audit Officer-(a)as soon as the gratuity has been paid to the retired Government servant; and(b)as soon as the provisional pension has been paid to the retired Government servant for a period of 12 months or for the period extended under the proviso to sub-rule (1) of rule 68, as the case may be.(5)If the pensioner desires the payment of provisional pension or of gratuity or of both through., money order or bank draft, the same shall be remitted to him through money order or bank draft as the case may be, at his cost.(6)(a)A pensioner drawing pension in India is required to append to his bill, a certificate as follows :-"I declare that I have not received any remuneration for serving in any capacity, either under Government or under a local fund during the period for which the amount of pension claimed in this bill is due."(b)in the case of a pensioner permitted to draw pension after re-employment this certificate should be modified according to the facts.(c)In the case of a pensioner drawing his pension through an agent, who has executed a bond of indemnity, as required by Subsidiary Rule 69 under Treasury Rule 16 of the Tamil Nadu Treasury Code, the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificate.Note. - (1) The certificate to be furnished by a [Self drawing Government servant] [Rule 66 for the Note (1). for the words 'Gazetted Government servant', the words 'Self drawing Government servant' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] under the above rule should be modified to cover also non-employment under a Government outside India. For a period of three years from the date of retirement, it should however provide in addition that the pensioner has not accepted employment in commercial or private fields.Note. - (2) Rules regarding identification of pensioner payment to agents, transfers in India renewal of pension payment order, lapses and forfeiture and deceased pensioners etc., will be found in the subsidiary rules and instructions under Treasury Rule 16 of the T.N.T.C. Volume I.

## **67. Drawal of balance of gratuity from Treasury or from Head of Office.**

(1)It shall be open to the Government servant to receive the payment of the balance of the gratuity from the Treasury from which the payment of final pension is desired by him or from the Head of office.(2)Where a Government servant desires to receive the payment of balance of the gratuity from the Head of office he shall communicate his option in this behalf to the Head of office in writing before the date of his retirement.(3)The Head of office shall there upon take steps to draw and

disburse of the balance of the gratuity after the Audit officer has issued the necessary authority as provided in sub-rule (4) of rule 68.

## **68. Authorisation of final pension and balance of gratuity by the Audit Officer.**

(1) On receipt of the pension papers referred to in rule 64 the Audit Officer shall apply the requisite checks record [\*\*\*] [Rule 68(1) the expression 'record his audit enfacement on Section I of Part II of Form 7' omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.] and assess the amount of final pension and gratuity within a period of twelve months from the date of retirement of the Government servant. Provided that the adjustment of provisional pension and assess the amount aforesaid he shall communicate the fact to the Head of office under intimation to the Treasury Officer concerned and authorise the Head of office to continue to disburse the provisional pension to the retired Government servant for such period as may be specified by the Audit Officer. (2)(a) If the pension is payable in his circle of audit, the Audit Officer shall prepare the pension payment order. (b) The payment of pension shall be effective from the date following the date on which the payment of provisional pension ceased. (c) Arrears of pensions, if any in respect of the period for which pension was drawn and disbursed by the Head of office shall also be authorised by the Audit Officer. (3) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the retired Government servant and if such balance is payable in his circle of audit, the Audit Officer shall prepare an order for its payment. (4) If the Government servant has opted for receiving the payment of balance of gratuity from the Head of office, the Audit Officer shall issue the necessary authority in this behalf under intimation to the Government servant and the Treasury Officer indicating the amount, if any, which the Head of office shall adjust before making payment to the Government servant. (5) The fact of the issue of the Pension Payment Order and order for the payment of balance of the gratuity shall be promptly reported to the Head of office and the pension papers which are no longer required shall be returned to him. (6) The Audit Officer may authorise the payment of balance of the gratuity even during the period of the currency of provisional pension, provided the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the Government servant. (7) If the final pension and balance of the gratuity are payable in another circle of audit, the Audit Office shall send a copy of Form 5 along with [\*\*\*] [Rule 68(7) the expression 'his audit enfacement and' omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.] the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity. Provided that the adjustment of provisional pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the provisional payments were made. (8) If the amount of provisional pension drawn and disbursed by the Head of Office is found to be in excess of the final pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount out of the balance of the gratuity, if any, or recover the excess amount by short payments of pension payable in future. (9) If the amount of gratuity disbursed by the Head of office proves to be in excess of the amount finally assessed by the Audit Officer, the pensioner shall be required to refund the excess.

**69. Provisional pension where departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption] [Rule 69, in the marginal heading, after the words 'judicial proceedings', the words 'or enquiry by the Director of Vigilance and Anti-corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.] may be pending.**

(1)(a) In respect of a Government servant referred to in sub-rule (4) of 9, the Head of office shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant. (b) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption] [Rule 69(1)(b), after the words 'judicial proceedings', the words 'or enquiry by the Director of Vigilance and Anti-corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.] and issue of final orders thereon. [Provided that no such gratuity, shall be withheld in respect of a Government servant, who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government.] [First Proviso to Rule 69(1)(b) added - G.O.Ms.No.286, Finance (Pension) Department, dated 07-04-1995 with effect from 04th July 1988.] [Provided further that where a Government servant, against whom a departmental or judicial proceedings involving pecuniary loss to Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorized after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with un-recovered Government dues if any, of such Government servants, with interest.] [Second Proviso to Rule 69(1)(b) added - G.O.Ms.No.287, Finance (Pension) Department, dated 07-04-1995 with effect from 16th October 1991.] (2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government 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 specific period. (3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of that departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption] [Rule 69(3), after the words 'judicial proceedings', the words 'or enquiry by the Director of Vigilance and Anti-corruption' inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.].

**69A. [ Government servants on deputation. [Rule 69-A added - G.O.Ms.No.513, Finance (Pension) Department, dated 25-07-1981.]**

- In the case of a Government servant who retires from service, while on deputation to the Central Government or other State Government or while on foreign service, action to sanction pension and gratuity in accordance with the provisions of this chapter shall be taken by the Audit Officer or the Head of Office as the case may be, of the authority which sanctioned the deputation of the

Government servant to the Central or other State Government or to foreign service.] [Rule 64(4) added - G.O.Ms.No.814, Finance (Pension) Department, dated 30-09-1994 with effect from 27th December 1991.]

**69B. [ Provisional pension for isolated case. [Rule 69-B added - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.]**

- The pension papers could not be prepared even after following the procedures for sanction of pension, there may be an isolated case. For this purpose, the Head of Office shall without delay take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigation and grant provisional pension not exceeding maximum admissible and Death-cum-Retirement Gratuity as may be determined by the Head of Office. The provisional pension may be continued to be paid by the Head of Office (both in the case of non-self-drawing and self-drawing Government servants) without authorization from the Audit Officer, from the date of retirement till final pension is sanctioned and Pension Payment Order issued by the Audit Officer. Similarly full Death-cum-Retirement Gratuity in the case of non-self drawing Government servants and eighty per cent of the admissible amount in the case of self-drawing Government servants shall be paid.] [Rule 58(9) added- G.O.Ms.No.880, Finance (Pension) Department, dated 25-10-1994 with effect from 5th May 1988.]Government Dues

**70. Recovery and adjustment of Government dues.**

(1)It shall be the duty of every retiring Government servant to clear all Government dues .before the date of his retirement.(2)Where a retiring Government servant does not clear the Government dues and such dues as ascertainable -(a)an equivalent cash deposit may be taken from him; or(b)out of the gratuity payable to him an amount equal to that recoverable on account, of ascertainable Government dues shall be deducted there from.[Note 1. - The expression "ascertainable Government dues" includes balance of house building or conveyance advance, arrears of rent and other charges pertaining to occupation of Government accommodation, over-payment of pay Mid allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961). It also includes dues to the local bodies or to the Staff Co-operative Societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act, 1961 [or to the Tamil Nadu Housing Board] [Rule 70 - Note under rule 70 shall be renumbered as Note 1 and Note 2 added - G.O.Ms.No.763, Finance (Pension) Department, dated 05-09-1994.] or to die Corporation owned I controlled by die State Government.][Note 2. - Gratuity shall not be liable to attachment in accordance with the provision of clause (g) of the proviso to sub-section (1) of Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908).]

**71. Furnishing of surety by retiring Government servant.**

(1)(a)If any of the Government dues other than those referred to in rule 70 remain unrealised and unassessed for any reason, die retiring Government servant may be asked to furnish in Form 9 a

surety of suitable permanent Government servant.(b)if the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.(2)(a)If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him or such portion of gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.(b)The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty-five per cent thereof.(c)where it is not possible to estimate the approximate amount recoverable from the retiring Government servant the amount of deposit to be taken or the portion of gratuity to be withheld shall be limited to ten per cent of the amount of gratuity or one thousand rupees, whichever is less.(3)(a)Efforts shall be made to assess and adjust the recoverable Government dues within a period not exceeding twelve months from the date of retirement of the Government servant and if no claim is made on Government account against the Government servant within such a period it shall be presumed that no Government claim is outstanding against him. -Note. - (1) In respect of dues pertaining to the occupation of Government accommodation by the Government servant, the period of twelve months shall reckon from the date of retirement, or from the date of complete vacation of the Govt, accommodation whichever is later.[Note. - (2) As regards the dues to Local Body by the retiring Municipal Commissioners such as Personal Advances, quarters rent, electricity charges, telephone charges, etc. the Director of Municipal Administration will call for particulars one year before their retirement and also, immediately after retirement and take action for recovery of the dues. In the case of non-remittance of the dues within a period of twelve months from the date of retirement, the Director of Municipal Administration will order recovery from the Death-cum-Retirement Gratuity.] [G.O.Ms. No.2, Finance Department, dated 31st March 1986.](b)The Government dues as assessed shall be adjusted against the cash deposit or the amount withheld from the gratuity and the balance, if any, shall- be released to the retired Government servant after the expiry of the period referred to in clause (a).(c)Where the pensioner has furnished a surety, the surety shall be released after the expiry of the period referred to in clause (a) provided the dues assessed up to that time have been recovered.(4)The Government dues which remain unrealised within the period referred to in clause (a) of sub-rule (3) and such other dues, the claim for which is received after that period shall be recoverable from the retired Government servant.Chapter - VIII Sanction of Family Pension and Death-Cum-Retirement Gratuity in Respect of Government Servant Dying While in Service.

**72. Payment of family pension and death-cum-retirement gratuity when a [self-drawing Government servant] [Rule 72 in the heading, for the words 'gazetted Government servant', the words 'self drawing Government servant' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] dies while in service.**

(1)Where the Head of Office has received an intimation about the death of a [self-drawing Government servant] [Rule 72 (1) including the Note thereto, for the words 'gazetted Government servant', occurring in two places, the words 'self drawing Government servant' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] while in service, he shall communicate the fact to the Audit Officer concerned.Note. - For the purpose of this rule,



[self-drawing Government Servant] [Rule 72 (1) including the Note thereto, for the words 'gazetted Government servant', occurring in two places, the words 'self drawing Government servant' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] means who has drawn pay in the scale of pay the maximum of which exceeds Rs.1,000 and whose pay and allowances are not drawn in Establishment pay bill forms.(2)On receipt of the information communicated under sub-rule (1), the Audit Officer shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant.(3)(a)Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 45, the Audit Officer shall ascertain.(i)if the deceased Government servant had nominated any person or persons to receive the gratuity; and(ii)if the deceased Government servant had not made any nomination or the nomination made does not subsist, die person or persons to whom the gratuity may be payable.(b)The Audit Officer shall then address the person concerned in Form 10 or Form 11, as may be appropriate, for making a claim in Form12.(4)Where the family of the deceased Government servant is eligible for the [\*\*\*] [Rule 72(4) the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension under rule 49:-(a)the Audit Officer shall address the widow or widower in Form 13 for making a claim in Form 14 ; and(b)where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Audit Officers:Provided that the guardian shall not be required to submit a claim in the said Form on behalf on the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said form.(5)(a)Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 50, the Audit Officer shall ascertain-(i)if the deceased Government servant had nominated a member of his family to receive the payment of the non-contributory family pension; and(ii)where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable.(b)The Audit Officer shall then address the person concerned in Form 15 or Form 16, as may be appropriate, for making a claim in Form 17.(6)(a)Notwithstanding anything contained in sub-rules (3) to (5), the Head of office shall furnish to the Audit Officer the following particulars, namely :-(i)Government dues recoverable out of the gratuity before payment is authorised that is to say-(A)contribution towards [\*\*\*] [Rule 72(6)(a)(i)(A) the word 'contributory' omitted - G.O.Ms.No.6]5, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension, if applicable;(B)Government dues which have been ascertained and assessed;(ii)amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far:(iii)the orders of the pension sanctioning authority in part III of Form 18;(iv)such other particulars including details of the family of the deceased Government servant for the purpose of obtaining claim, as the Audit Officer may require.Note - The amount of gratuity to be held over under sub-clause (ii) shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 71.(b)If the orders of the pension sanctioning authority are not received by the Audit Officer within a month of the date of death of the Government servant he shall assume that lull death-cum-retirement gratuity and non-contributory family pension, if applicable have been sanctioned.(7)On receipt of the claim or claims, the Audit Officer shall complete Form 18 and finally assess the amount of death-cum-retirement gratuity or family pension or both.(8)If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.(9)(a)The Audit Officer

shall authorise, the payment of gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.(b)The amount of gratuity held over under sub-clause (ii) of clause (a) of sub-rule (6) shall be adjusted by the Audit Officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 71.(c)If the gratuity is payable in his circle of audit, the Audit Officer shall prepare an order for its payment.(10)If the family pension and gratuity are payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of gratuity.(11)The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly reported to the pension sanctioning authority.(12)[ If a Government servant against whom disciplinary action is pending or is contemplated in respect of audit objections involving financial losses or other irregularities, dies before final orders are passed in the matter, the audit objections pending against the deceased servant shall be deemed to have been settled on the date of his death and disciplinary proceedings pending or contemplated shall, on the date of his death, be deemed to have been dropped. In such cases, Death-cum-Retirement Gratuity and other retirement benefits due to the family of the deceased Government servant shall not be withheld.] [Rule 72(12) added - G.O.Ms.No.900, Finance (Pension) Department, dated 04-12-1995 with effect from 25th March 1992]

**73. [Authorisation] [Rule 73 in the marginal heading, for the word 'Sanction', the word 'Authorisation' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] of anticipatory gratuity and family pension.**

(1)Where the amount of death-cum-retirement gratuity and family pension payable under rule 72 cannot be finally assessed and settled in accordance with the provisions of these rules within a reasonable time, the Audit officer shall determine the gratuity and family pension, which, after the most careful summary investigation that he can make without delay, he believes the claimant to be entitled. He shall after complying with the provisions of sub-rules (9), (10) (11) of rule 72, authorise the disbursement of the family pension so determined as anticipatory family pension not exceeding the maximum admissible and the death-cum-retirement gratuity restricted to eighty per cent of the gratuity so determined as ' anticipatory gratuity'.(2)The anticipatory family pension and gratuity authorised under sub-rule (1) shall be subject to revision on completion of detailed investigation and inquires, if any.(3)If the amount of anticipatory family pension granted is afterwards found to be in excess of the final family pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess by short payment of family pension payable in future. If however, the amount of gratuity disbursed proves to be larger than the amount finally assessed by the Audit Officer the pensioner shall be required to refund the excess actually disbursed to him.

**74. Payment of provisional family pension anti death-cum-retirement gratuity when a [non-self drawing Government servant] [Rule 74 in the heading, for the words 'non-gazetted Government servant', the words 'non-self drawing Government servant' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] dies while in service.**

(1) Where the Head of office has received an intimation about the death of a [non-self drawing Government servant] [Rule 74 in the heading, for the words 'non-gazetted Government servant', the words 'non-self drawing Government servant' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] while in service he shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant. Note. - For the purposes of this rule and rule 75, the expression ['non-self drawing Government servant'] [Rule 74 (1) including the Note thereto, for the words 'non-gazetted Government servant', occurring in two places, the words 'non-self drawing Government servant' respectively substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] means, he who draws pay in the scale, the maximum of which is Rs. 1,000 and below and whose pay and allowances are drawn in Establishment pay bill forms.

(2)(a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 45, the Head of office shall ascertain-(i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist the person or persons to whom the gratuity may be payable. (b) The Head of office shall, then address the person concerned in Form 10 or Form 11, as may be appropriate. Who may submit a claim in Form 12. (3) Where the family of the deceased Government servant is eligible for the [\*\*\*] [Rule 74(3) the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension under rule 49-(a) The Head of office shall address the widow or widower in Form 13 for making a claim in Form 14; and (b) Where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Head of office. Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(4)(a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 50, the Head of office shall ascertain-(i) if the deceased Government servant had nominated any member of his family to receive the payment of non-contributory family pension; and (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist the person to whom the non-contributory family pension may be payable. (b) the Head of office shall, then, address the person concerned in Form 15 or Form 16 as may be appropriate for making a claim in Form 17. (5) The Head of office shall furnish to the Audit Officer the following particulars regarding the details of Government dues outstanding against the deceased Government servant, namely:- (a) Government dues recoverable out of that gratuity before payment is authorised that is to say-(i) contribution towards [\*\*\*] [Rule 74(5)(a)(i) the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension if applicable (ii) Government dues which have been ascertained and assessed. (b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far. Note. - The amount of gratuity to be held over shall be determined in accordance with the provisions of clauses (b) and (c) or sub-rule (2) of rule 71. (6)(a)(i) On receipt of the claims, the Head of office shall complete Form 18 and certify in part III of that Form as to whether the character, conduct and past service of the deceased Government servant were such as to entitle the family to the favourable consideration of the pension sanctioning authority in the matter-of grant of death-cum-retirement gratuity and non-contributory family pension (if applicable). (ii) The Head of Office shall also record

in part III of Form 18 his opinion as to whether the service claimed has been established and should be admitted or not.(iii)Where the Head of Office, is not the pension sanctioning authority, he shall obtain the orders of such authority in Form 18.(b)After completing Form 18, the Head of Office shall send that Form in original to the Audit Officer with a covering letter in Form 19 along with the Government servant's service book and service roll, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed in such a manner that they can be conveniently consulted.(c)The Head of Office shall retain the copy of the aforesaid Form for his office record.(d)If the payment is desired in another circle of audit, Form 18 shall be sent in duplicate to the Audit Officer. 5[(6-A) (a) The Head of Office shall also prepare the calculation sheet of the deceased Government servant in quadruplicate in Form 27 and forward them to the Audit Officer, along with the documents specified in clause (b) of sub-rule (6) and the Audit Officer shall certify all the four copies.(b)The Audit Officer, while issuing the authorization, shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies of that calculation sheet to each of the following persons, namely:-(i)The Family Pensioner;(ii)The Pension Disbursing Officer; and(iii)The Head of Office or Pension Sanctioning Authority, as the case may be.(c)The Head of Office or Pension Sanctioning Authority, as the case may be, on receipt of the calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in a Register to be maintained for the purpose with proper index.](7)After the documents referred to in [sub-rules (5), (6) and (6-A)] [Rule 74(7) for the expression 'sub-rules (5) and (6)' the expression 'sub-rules (5), (6) and (6-A)' substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 11-10-1994 with effect from 12th May 1987.] have been sent to the Audit Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and full gratuity as indicated in Part I of Form 18 and for this purpose adopt the following procedure, namely:-(a)he shall issue a sanction letter in favour of the claimant or claimants endorsing a copy thereof to the Audit Officer indicating the amount of provisional family pension and full gratuity payable under these rules;(b)he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (5);(c)after issue of the sanction letter, he shall draw-(i)the amount of provisional family pension; and(ii)the amount of full gratuity after deducting therefrom the dues mentioned in clause (b) ; from the Treasury at which the pay and allowance of the establishment are drawn by him.(8)The Head of Office shall disburse the provisional family pension and gratuity to the claimant or claimants on or after the first day of the month following the month in which the Government servant died.(9)[ The payment of provisional family pension shall continue till final family pension is authorized by the Audit Officer provided there is a clear title as regards legal heirs.] [Rule 74(9) substituted - G.O.Ms.No.411, Finance (Pension) Department, dated 15-10-2001 with effect from 1st January 1979.](10)The Head of Office shall inform the Audit Officer-(a)as soon as the gratuity has been paid to the claimant or claimants; and(b)as soon as the provisional family pension has been paid for a period of twelve months, or for the period extended under the proviso to sub-rule (1) of rule 75, as the case may be.(11)If the claimant desires the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost.(12)[ If a Government servant against whom disciplinary action is pending or is contemplated in respect of audit objections involving financial losses or other irregularities, dies before final orders are passed in the matter, the audit objections pending against the deceased servant shall be deemed to have been settled on the date of his death and disciplinary proceedings pending or contemplated shall, on the date of his death, be

deemed to have been dropped. In such cases, Death-cum-Retirement Gratuity and other retirement benefits due to the family of the deceased Government servant shall not be withheld.] [Rule 74(12) added - G.O.Ms.No.900, Finance (Pension) Department, dated 04-12-1995 with effect from 25th March 1992.]

**75. Authorisation of final family pension and balance of gratuity in respect of a deceased [non-self drawing Government servant] [Rule 75 in the heading, for the words 'non-gazetted Government servant', the words 'non-self drawing Government servant' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] referred to in rule 74.**

(1) On receipt of the documents referred to in sub-rules (5) and (6) of rule 74, the Audit Officer shall within a period of twelve months from the date of death of the [non-self drawing Government servant] [Rule 75 (1), for the words 'non-gazetted Government servants', the words 'non-self drawing Government servants' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.], apply the requisite checks, record his audit encasement on Section I of Part IV of Form 18 and assess the amount of final family pension and gratuity. Provided that if the Audit Officer is for any reason unable to assess the amount within the period aforesaid he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorize the Head of Office to continue to disburse the provisional family pension to the claimant [till final family pension is authorized by the Audit Officer] [Proviso to Rule 75(1) for the expression 'for such period as may be specified by the Audit Officer', the expression 'till final family pension is authorized by the Audit Officer' substituted - G.O.Ms.No.411, Finance (Pension) Department, dated 15-10-2001 w.e.f 1st January 1979.]. (2)(a) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order. (b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased. (c) Arrears of family pension, if any in respect of the period for which family pension was drawn and disbursed by the Head of Office shall also be authorised by the Audit Officer. (3)(a) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any outstanding against the deceased Government servant (b) The amount of gratuity held over under sub-rule (5) of rule 74 shall be adjusted by the Audit officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 71. (c) If the balance of gratuity is payable in his circle of audit, the Audit Officer shall prepare an order for its payment. (4) The fact of the issue of the Pension Payment Order and order for the payment of balance of the gratuity shall be promptly reported to the Head of Office and the documents which are no longer required shall be returned to him. (5) The Audit Officer may authorise the payment of balance of the gratuity even during the period of the currency of provisional family pension: Provided that the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the deceased Government servant. (6) If the final family pension and the balance of the gratuity are payable in another circle of audit, the Audit Officer shall send a copy of Form 18 along with the Audit encasement and the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity: Provided

that the adjustment of provisional family pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the Provisional payment were made.(7)If the amount of provisional family, pension and / or death-cum-retirement gratuity drawn and disbursed by the Head of Office is found to be in excess of the final family pension and / or death-cum-retirement gratuity assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount out of the balance of the gratuity, if any, or recover the excess amount by short payment of family pension payable in future.

Chapter - IX Sanction of Family Pension and Residuary Gratuity in Respect of Deceased Pensioners

## **76. Sanction of family pension and residuary gratuity on the death of a pensioner.**

(1)Where the Head of Office has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner :Provided that the Head of Office may, when he considers it necessary so to do, consult the Audit Officer.(2)(a)(i)If the deceased pensioner is survived by a widow or widower who is eligible for the grant of [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension under rule 49, the amount of contributory family pension as indicated in the Pension Payment Order shall become payable to the widow or widower as the case may be, from the day following the date of death of the pensioner.(ii)On receipt of an application from the widow or widower, as the case may be, the Treasury Officer from whom the deceased pensioner was drawing his or her pension shall authorise the payment of Rule [\*\*\*] [76(2) the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension to the widow or widower, as the case may be.(b)(i)where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 14 to the Head of Office for the payment of [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.(ii)On receipt of a claim [under sub-clause (i) above] [Rule 76(2)(b)(ii) for the expression 'from the guardian', the expression 'under sub-clause (i) above' substituted - G.O.Ms.No. 134, Finance (BG-III) Department, dated 09-03-1981.], the Head of Office shall sanction the contributory family pension in Form 20.(c)(i)Where a widow or widower in receipt of contributory family pension remarries and has, at the time of remarriage, a child or children from the former spouse who is or are eligible for contributory family pension the remarried individual shall be eligible to draw the contributory family pension on behalf of such child or children if such individual continues to be the guardian of such child or children;(A)A declaration that the applicant continues to be the guardian of such child or children;(B)The date of remarriage;(C)The name and date of birth of the child or children from the former spouse;(D)The treasury from where payment of contributory family pension on behalf of such child or children is desired;(E)Full postal address of the applicant.(iii)If the remarried individual has, for any reason, ceased to be the guardian of such child or children the contributory family pension shall become payable to the person entitled to act as guardian of such child or

children under the law for the time being in force and such person may submit a claim in Form 14 to the Head of Office for the payment of contributory family pension.(iv)On receipt of the claim referred to in sub-clause (iii) the Head of Office shall sanction contributory family pension in Form 21.(ii)For the purpose of sub-clause (i), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely:-(d)(i)Where a widow or widower in receipt of contributory family pension dies and leaves behind a child or children who is or are eligible for contributory family pension, the guardian may submit a claim in Form 14 to the Head of Office for the payment contributory family pension:Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form.(ii)On receipt of a claim under sub-cause (I) above the Head of Office shall sanction contributory family pension in Form 21.(3)(a)In case the deceased pensioner was governed by the non-contributory family pension and his death had taken place within five years of his retirement, the non-contributory family pension shall become payable to the eligible member of the family of the deceased pensioner as provided in rule 50 for the unexpired period of five years from the date of retirement of the deceased. '(b)On receipt of a claim in Form 17 from such member, the Head of Office shall sanction the non-contributory family pension for the unexpired period aforesaid.(4)Where on the death of a retired Government servant a residuary gratuity become payable to the family of the deceased under sub-rule (2) of rule 45, the Head of Office shall sanction his payment on receipt of a claim or claims in Form 22 from the person or persons eligible to receive the residuary gratuity.

## **77. Authorisation of payment by Audit Officer.**

- On receipt of the sanction under rule 76 regarding the payment of family pension or of residuary gratuity or of both, the Audit Officer shall authorise the payment of the same.Chapter - X Payment of Pensions

## **78. Date from which pension becomes payable.**

(1)Except in the case of a Government servant to whom the provision of rule 34 apply and subject to the provisions of rule 9, 60 and 69 a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.[The pension of a Government servant who under rule 38 has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.] [Rule 78(1) Second Paragraph substituted - G.O.Ms.No, 1160, Finance (BG.UI) Department, dated 31-12-1980.][\*\*\*] [Proviso to Rule 78(1) First Paragraph omitted - G.O.Ms.No. 165, Finance (BG-III) Department, dated 23-03-1981.](2)Pension including family pension shall be payable for the day on which its recipient dies.

## **79. [ Currency in which pension and gratuity is payable. [Rule 79 substituted - G.O.Ms.No, 1160, Finance (BG.III) Department, dated 31-12-1980.]**

- All pensions including gratuities admissible under these rules shall be payable in rupees in India only.] [Rule 74 (6-A) added - G.O.Ms.No.845, Finance (.Pension) Department, dated 11-10-1994

with effect from 12th May 1987.]

## **80. Manner of payment of gratuity and pension.**

(1) Except as otherwise provided in these rules a gratuity shall be paid in lump sum. (2) [ Pension including family pension fixed at monthly rates shall be payable monthly and such pension shall be paid on the last working day of the month. Provided that such pension for the month of March shall be payable on the first working day of the month of April.] [Rule 80(2) substituted and Proviso added - G.O.Ms.No. 753, Finance (Pension) Department, dated 02-09-1994 with effect from 17th August 1987.]

## **81. Application of Treasury Rules.**

- Save as otherwise provided in these rules, the treasury rules of the Government shall apply in regard to the procedure of payment, (i) of gratuity (ii) of pension. (iii) of pension undrawn for more than a year and (iv) of pension in respect of a deceased pensioner. Chapter - XI Miscellaneous

## **82. Power to relax.**

- Where any Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, the Department, may by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner: Provided that no such order shall be made except with the concurrence of the Finance Department.

## **83. Repeal and Saving.**

(1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (thereinafter referred to this rule as the old rule) in force immediately before such commencement shall, in so far as it provided for any of the matters contained in these rules, cease to operate. (2) Notwithstanding such ceasing of operation. - (a) (i) every nomination for the payment of death-cum-retirement gratuity, or of non-contributory family pension; (ii) every form regarding the details of family of a Government servant for the purpose of [\*\*\*] [Rule 83(2)(a)(ii) and Rule 83(2)(b) the word 'contributory' each omitted - G.O.M3.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension ; and (iii) Every formal application for the sanction of Pension which a Government servant had made or given under the old rule shall be deemed to have been made or given under the corresponding provisions of these rules ; (b) any nomination for the payment of death-cum-retirement gratuity, or of non contributory family pension, any form regarding the details of family of a Government servant for the purpose of [\*\*\*] [Rule 83(2)(a)(ii) and Rule 83(2)(b) the word 'contributory' each omitted - G.O.M3.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension or any formal application for the sanction of pension, required to be made or given by a Government



servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules ;(c)any case which pertains to the sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;(d)any case which pertains to the sanction of death-cum-retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made.(e)subject to the provisions of clauses (c) and (d) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.Chapter - XII Foreign Service, Regular Establishments; the Cost of Which is Recovered By Establishment; Service Under Local Funds

#### **84. Service under Local Funds.**

(1)Apart from any special provisions made under the following rules, service paid for from a Local Fund does not qualify for pension.(2)In the case of other Local Funds, the rule that service does not qualify for pension does not prohibit the grant and payment of pensions in conformity with the general terms of the pension rules by the authorised administrators of the funds. But government is in no way responsible for the sanction or continuance of such pension, and no standing order for their payment may be issued to or received by any Government treasury, and the procedure in rules 51, 53, 56-59, 61-68, 70,71 and 78-80 do not apply to them.Note 1. - All the members of the pensionable establishment of a Government school employed in such school at the time of its transfer to municipal councils will be held to be still rendering service qualifying for pension from Government under sub-rule (7) of this rule.Note 2. - All servants of Government other than those referred to in Note 1 above, transferred from qualifying service to service under a municipal council, are entitled to claim payment by such municipal council, or the usual contribution to Government in order to maintain their claim to pension eventually from State Funds.(3)Service in the following establishment paid from Local Fund is treated as qualifying service for pension provided that pension for service under the Fund is Paid from the Fund, the rule of proportions being applied in the case of service paid partly from the Fund and partly from other sources. Establishment paid from Port Funds managed by the Government.Note 1. - The transfer of Government servants to service under Local Funds should ordinarily be dealt with under the rules regarding foreign service. The application of the rule of proportions to service partly under a local fund requires the specified sanction of Government who before giving such sanction should satisfy itself that the fund in question is not of a merely temporary character, that it is solvent and able to bear the charge and that the pension can legally be charged to it.Note 2. - Service in establishment paid from the Madras Coast Light Fund qualifies for pension from the 1st April 1904 and service in establishment paid from the Pilotage, Landing, Shipping Fees and Pier Funds, from the 1st April 1905.Note 3. - Rule 1 under this rule is not applicable in the case of a municipal employee for part of whose service contribution was paid under rule sub-rule (5) of this and a pension cannot therefore, be sanctioned which is chargeable to Government and the municipality according to the rule of proportions,Note 4. - The rule of proportions is applied only in cases where officers are transferred in the interest of the service from Government employment to service under Excluded Local Funds and vice versa ;

where an officer is not transferred but resigns the one service to take up other, rule of proportions should not be applied, but separate pension may be given for the different services. Note 5. - When a Government Officer is compulsorily transferred to an appointment paid by a Local Fund and is subsequently dismissed therefrom he has no claim to a pension or gratuity but if Government consider that he is deserving of a compassionate allowance it may award a pension not exceeding that which could have been granted as a compensation pension on the termination of the officer's service under Government. (4) Any person transferred from a local body in consequences of the transfer of such body to the control of the State Government shall not be entitled to count his previous service under the said body for pension, unless—(1) Such service was rendered in a pensionable post or posts and pensionary contributions were being paid on his behalf by such local body; or (2) Such person was subscribing to a provident fund maintained by such local body; and (i) such local body agrees to contribute its share of the pension calculated according to the rule of proportion; and (ii) such person agrees to forego the bonus earned by him in respect of his service under the local body. (5) The administrators of a Local Fund may, with the permission of the Government make a permanent arrangement for contributing for pensions from the Consolidated Fund for its permanent employees or for any specified classes of them by paying to the Government a contribution of one-ninth of the sanctioned salaries of the several appointment. Provided that—(a) the contribution must be paid in full at the beginning of each month by cash or cheque to the nearest Government Treasury. Any default in the payment of the contribution entails forfeiture of the claim against the Government. (b) The bills for establishment charges must be subject to audit by the Government with a view to ensuring that health Certificates have been obtained for a new entrant; that the contributions are recovered in respect of the whole establishment sanctioned; and that no employee in any month draws more than the amount sanctioned for the appointment held by him. Arrear contributions in respect of either individual officer or classes of officers proposed with a view to render past services qualifying cannot be accepted. No officer or servant of a district board entered in its service on or after the first day of April 1932 shall be eligible to be paid any pension from the fund of the board, nor shall any pensionary contribution be paid on his behalf from such fund. Where an officer or servant of any such board was on the said date, holding in a post in its service in respect of which pensionary contribution was being paid with the previous sanction of the Government, such contribution shall, unless the Government otherwise direct, continue to be paid so long as the officer or servant continues to hold such post or any other post in respect of which pensionary contribution was being paid with such sanction of the said date. Contribution towards pension will continue to be paid in respect of incumbents whose services are pensionable under this "sub-rule in district where a Provident Fund Scheme has been or will be introduced, so long as the individual concerned is in service. Note 1. - There is no authority for receiving pensionary contributions, arrear or otherwise, from a local body for individual employees selected from among its establishment. The note in this rule authorizes Government to permit the Administrators of a Local Fund to contribute for pensions from the Consolidated Fund for the whole of its permanent employees or for any specified classes of them. It is intended that the contribution should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference, to the question whether the particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual a pension from Consolidated Fund if the appointment to which he is transferred is one of class for which contributions are paid,

whether his previous service under Government was qualifying or not but it will not qualify if the appointment does not belong to such a class. Note 2. - For the purpose of this rule Audit by the Examiner or Local Fund -Accounts may be regarded as audit by Government. Note 3. - The reporting on applications for pensions should however, be undertaken by the Accountant-General's Office, and the annual establishment returns should, therefore, be recorded in that office. Note 4. - If an officer, whose service is pensionable under the provisions of this sub-rule, is detached on temporary duty to a non pensionable post or to a post under the same or a different local board which is non-pensionable, under that rule, he counts his detached service under rule 12. Note 5. - Pensionary contribution is payable by the local body concerned on the personal allowances paid to the employees in addition to the contribution fixed for the scales of pay of their posts. Note 6. - Pension payable to local board servants in respect of whom pensionary contribution is recovered under this sub-rule will be based on the pay that would have been drawn by them had the local body not reduced by the pay of those servants as a measure of retrenchment. (6) An officer who is in qualifying service under Government may be transferred by the Government to service under a Local Fund under the same limitations and conditions as are applicable to transfers to foreign service (see Fundamental Rule 129). (7) Teachers and other members of the pensionable establishment of a Government school, who are transferred with the school to which they belong for service under local board or municipal council continue to render service qualifying for pension payable by the Government irrespective of the institution in which they are employed on similar duty, provided such institution is under the control of the same local board or municipal council. Note 1. - If the pay of an officer is increased after he is transferred, with the school to which he belongs to service under local boards, the Audit Officer will submit an alternative report as to the pension admissible on the basis of the pay enjoyed at transfer and at retirement, and in each case the Director of Public Instruction will make his recommendations for the grant of the higher or lower pension, as may be deemed suitable for the sanction of Government. Note 2. - The audit staff under the Examiner of Local Fund Accounts shall, at the time of local audit of accounts of local bodies, call for and check the Service Books of teachers and other staff under local bodies, who are eligible for pension under this sub-rule of the Civil Service Regulations and who are likely to retire before the time of the next annual or local audit verify the services rendered by the teachers from independent records maintained in the audit office of local bodies and certify in writing in the service books as to the correctness of the entries made in regard to the teachers and the staff. (8) If an Officer, whose service is reckoned as pensionable under the provisions under sub-rule (5) is transferred to the similarly pensionable establishment of another Local Fund, the transfer will not interrupt the continuity of service for pension. Transfers may also be made between such service under Local Funds and service in Government establishments.

## **85. Pensions payable partly by Government and partly by a Local Fund.**

- When a pension is payable partly by the Government and partly by a Local Fund, the Local Fund concerned may pay the capitalized value (calculated on the basis of the table of commutation values for the pensions applicable to the pensioner, increased by 10 per cent), of its share of the pension to Government which will thereupon accept liability for the payment of the entire pension. Note 1. - When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalized value (calculated according to the Post Office Annuity Table) or

its share of the pension into Government Treasury instead of purchasing an annuity from the Post Office. Note 2. - A district Board or municipality may with the previous sanction of Government grant a gratuity as such to any of its servants in lieu of the annuity purchaseable under this article, if the gratuity proposed is not large enough to purchase an annuity of Rs. 2 a month or more. [Form 1] [Form 1 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.] [See rule 48 (1)] Nomination For Retirement / Death Gratuity When the Government servant has a family and wishes to nominate one person or more than one persons, thereof. I,

..... hereby nominate the person/persons mentioned below who is/are members) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity, the payment of which may be authorised by the Government of Tamil Nadu in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Original Nominee(s)	Alternative Nominee(s)				
Name and address of the nominee(s).	Relationship with the Government servant.	Age	Amount or Share of Gratuity payable to each*	Name, address relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount of share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

Place Date Signature of the Subscriber. Signature of two witnesses with Name and Address:

1.

2.

-/ Countersigned /-Signature of Head of Office. Office Address: Note. - (i) The Government Employee shall draw lines across the blank space below the last entry to prevent the Insertion of any name after he has signed. (ii) Strike out which is not applicable. (iii) If the Original Nominee(s)/Alternate Nominee(s) is/are minor, furnish the name and address of the person with relationship to the Government Employee to receive the amount.\* This column should be filled in so as to receive the amount.\*\* The amount / share of the gratuity shown in this column should cover the whole amount / share payable to the original nominee(s)."; [Form 2.] [Form 2 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.] [See rule 48 (1)] Nomination For Retirement / Death Gratuity When the Government servant has no family and wishes to nominate one person or more than one persons, thereof. I, .....having no family, hereby

nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity, which having become admissible to me on retirement may remain unpaid on my death.

Original Nominee(s)	Alternative Nominee(s)				
Name and address of the nominee(s).	Relationship with the Government servant	Age	Amount or Share of Gratuity payable to each*	Name, address relationship and age of theperson or persons, If any, to whom the right conferred on thenominee shall pass In the event of the nominee predeceasing theGovernment servant or the nominee dying after the death of theGovernment servant but before receiving payment of gratuity	Amount of share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

Place :DateSignature of the Subscriber.Signature of two witnesses with Name and Address:

1.

2.

-/ Countersigned /-Signature of Head of Office. Office Address:Note: (i) The Government Employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.(ii)Strike out which is not applicable.(iii)If the Original Nominee(s)/Alternate Nominee(s) is/are minor, furnish the name and address of the person with relationship to the Government Employee to receive the amount.\* This column should be filled in so as to receive the amount.\*\* The amount / share of the gratuity shown in this column should cover the whole amount / share payable to the original nominee's)."Form 3.[See rule 49(12).]Details of Family Members :

**1. Name of the Government Servant :**

**2. Designation :**

**3. Date of Birth :**

**4. Date of Appointment :**

**5. Details of the Members of my family\* as on:**

SI. No.	Name of the Members of the Family	Date of Birth	Relationship with the Government Servant	Initials of the Head of Office.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

1.

2.

3.

4.

5.

I hereby undertake to keep the above particulars up to date by notifying to the Audit Officer / Head of Office any addition or alteration. Place: ..... Signature of the Government Servant Date :..... Designation Family for this purpose means:-(a)Wife, in the case of a male Government Servant.(b)Husband, In the case of a female Government Servant.(c)Sons below [twenty five years] [Form 3 for the items (c), for each of the words 'eighteen years' and 'twenty one', the words 'twenty five years' substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.] of age and unmarried daughters below [twenty five years] of age, including such son or daughter adopted legally [and also such son or unmarried daughter born through illegitimate wife] [Form 3 for the items (c), after the words 'including such son or daughter adopted tagaliy', the words 'and also such son or unmarried daughter born through illegitimate wife' added- G.O.Ms.No. 602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.] [before retirement] [Form 3 for the items (c), the words 'before retirement omitted - G.O.Ms.No.92, Finance (Pension) Department, dated 07-02-1995 with effect from 22nd June 1994.]; and [(d) Father and mother including step mother, in the case of unmarried Government Servant.] [Form 3 for the items '(d) Parents, in the case of unmamed Government servants', substituted - G.O.Ms.No. 132, Finance (Pension) Department, dated 23-02-1995 with effect from 28-12-1983.] Note. - Wife and husband shall include respectively judicially separated wife and husband. Form 4[See rule 50(6).] Nomination For Non-Contributory Family Pension I..... hereby nominate the persons mentioned below who are member of my family to receive in the order shown below, the non-contributory family pension which may be granted by the Government in the event of my death after completion of ten years qualifying service.

Name and Address of nominee.	Relationship with the Government servant	Age	Whether married or unmarried.
(1)	(2)	(3)	(4)

1.

2.

3.

4.

5.

The nomination supersedes the nomination made by me earlier on ..... which stands cancelled. Dated this..... day of at..... 'Witness to signature:

1.

.....

2.

.....Signature of Government Servant :Designation : (To be filled in by the Head of Office/Audit Officer)Nomination

by.....Designation.....Office.....Signature  
of.....Head of Office/Audit

Officer.....Dated:.....Designation....

- The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.Pro-forma for acknowledging the receipt of the nomination form by the Head of Office/Audit Officer.To.....Sir,In acknowledging the receipt of your nomination, dated cancellation dated the of the nomination made earlier in respect of non-contributory family pension Form.....I am to state that it has been duly placed on record.Signature of Head of Office/Audit Officer, Designation.Place.....Dated the.....[Form 5.] [Form 5 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.][See rules 53 (1), 55 (h), 57, 58, 58 (1), 61, 61 (1). 63, 64, 64 (2) & (3), 68 (7)]Combined Application Form For General Provident Fund Final Closure and PensionPart-I For Retirement / Revision Cases Only(To be sent in duplicate)

- |     |   |   |
|-----|---|---|
| 1.  | Name of the Government Employee (In Capital Letters).                     | : |
| 2.  | Father's Name / Husband's Name in the case of Female Government Employee. | : |
| 3.  | Designation with Selection Grade / Special Grade.                         | : |
| 4.  | Religion  | : |
| 5.  | P.P.O. No. allotted by A.G's. Office.                                     | : |
|     | [Applicable only for Revision Cases].                                     | : |
| 6.  | G.P.F. No. with Departmental Suffix.                                      | : |
|     | 7. Date of Birth. 8. Date of Joining. 9. Date of Retirement.              | : |
| 10. | Present Residential Address with PIN Code.                                | : |
|     | MOBILE No.  | : |
| 11. | Residential Address after Retirement with PIN Code.                       | : |
| 12. | Place of Payment of Pension   | : |
|     | (a) Pension Pay Office  | : |
|     | (b) District Treasury   | : |
|     | (c) Sub-Treasury  | : |

13. Whether the Pension is proposed to be commuted. : YesNo  
(Tick in appropriate place)? :  
If Yes, fraction proposed to be commuted. : Fraction:
14. Are you in receipt of Military Pension? : YesNo
15. If Yes, and Treasury from P.P.O.No. which it is drawn : { |  
may be furnished.

P.P.O.No.

PPO / District

Treasury/Sub-Treasury\_

16. If you are in receipt of Military Pension, state whether you opt for Military Family Pension or Civil Family Pension. (Option once exercised is final.)

17. List of Family Members including Wife / Husband

SI. No.	Name (s)	Relationship	Marital status	Date of Birth	Whether Handicapped/ mentally Retarded	* Medical Certificate to be enclosed
18.	Name of Guardian in case of mentally retarded children.					

I hereby declare that I have neither applied for nor received any Pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and gratuity are claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon. I do hereby declare to refund the pension or gratuity authorized by the Accountant General, Chennai, if afterwards found to be in excess of the amount to which I am entitled under the Rules. I hereby certify to make good any loss caused to the Government by way of any overdrawal of pay, allowances, leave salary or other admitted obvious dues as a result of negligence or fraud on my part in service in the department in a lump sum or in suitable installments from my pension.

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signature of Government Employee with Date.

Part-II To Be Filled In By The Departmental Officer

- A.G's Office Reference No. in which the proposals were returned with objections earlier.
1. Date of Beginning of Service.
  2. Date of Ending of Service.
  3. Gross Qualifying Service.
  4. Non-Qualifying Service.
  5. Additional Qualifying Service under Rule 27 / Due to Voluntary Retirement / Contingent Service / Military Service.
  6. Net Qualifying Service,
  7. Total Period of Military Service and Military Pension / Gratuity received. (Details of remittance



- to be furnished separately).
9. Scale of Pay
  10. Pay Last Drawn (Special Pay, Personal, Pay drawn if any to be shown separately)
  11. Gross of Pension applicable
  12. Whether any charges are pending against the Government Employee? If so, furnish the details thereof.
  13. Office served in the last three years.
  14. a. Drawing Officer for G.P.F. with Full Postal Address and PIN Code.  
b. Phone No. of the Office with STD Code.  
c. e-mail ID / FAX
  15. Treasury / PAO for G.P.F.
  16. a. Drawing Officer for D.C.R.G. with Full Postal Address and PIN Code.  
b. Phone No. of the Office with STD Code.  
c. e-mail ID / FAX
  17. Treasury / PAO for D.C.R.G.
  18. Particulars of Last G.P.F. Deduction [Last 12 Months Details].

{|

Pay for Month	GPF Sub-scription	Recovery /Refund	Total Amount of cr. Schedule.	Date & Place of Payment.	Sub-Account of Account	Voucher No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

19. Details of Temporary Advance / Part Final Withdrawal sanctioned in the last 12 months (If no debit is drawn in last 12 months, the details of last debit drawn should be specified.) { Month | Amount | Voucher No. | Date of Payment | (1) (2) (3) (4) } Certificate It is certified that:

**1. All the particulars furnished above have been fully verified with reference to office records and are found correct.**

**2. Advance / withdrawal from GPF was granted during the last 12 months as detailed in Column 18 above.**

**3. No Charges are pending / Charges are pending against the individual. (Details furnished separately)®**

**4. Provisional Pension not paid / Provisional Pension paid (Details furnished separately) ®**

**5. Conditions laid down in Rule 11(2) and Rule 11(3) of the Tamil Nadu Pension Rules, 1978 have been satisfied and the same has been recorded in Service Book.**

@ Strike out whichever is not applicable. Check List / List of Enclosures

- |   |                             |
|---|-----------------------------|
| 1. Service Book(s). [No. of Volumes]  | : [Enclosed / Not Enclosed] |
| 2. Recent Joint Passport size Photo with Spouse, Specimen Signature / left hand thumb impression (in the case of illiterate) and Descriptive Roll of the Government Employee, all in triplicate, duly attested [furnished in the Annexure]. | :                           |
| 3. Sanction order in respect of Non-Government Aided Educational Institution cases and Missing Employee   | :                           |
| 4. In case of Teachers, Non-Employment/Re-employment Certificate.   | :                           |
| 5. Copy of First Information Report in respect of Missing Employee.   | :                           |
| 6. Nomination for General Provident Fund (GPF).   | :                           |
| 7. Nomination for Death cum Retirement Gratuity (DCRG).   | :                           |
| 8. Nomination for Life Time Arrears of Pension  | :                           |
| 9. Nomination for Commutation of Pension (in duplicate).  | :                           |
| 10. Medical Certificate in original in Form 23 as prescribed in Rule 36 of TNPR for invalidation cases issued by Medical Board.   | :                           |
| 11. Certificate of Medical Opinion of the Doctors for admitting Commuted Value of Pension in the cases of Invalidation and Compulsory Retirement cases.   | :                           |
| 12. Ratification Order of Government for waiving any shortfall in notice period due to sanction of Extraordinary Leave with / without Medical Certificate (in respect of Voluntary Retirement cases).                                       | :                           |
| 13. Military Verification Certificate.  | :                           |

14. Copy of the Chalan for refund of Gratuity received with Interest for Military Service. :
  15. Copy of Proceedings issued in the case of Compulsory Retirement / Voluntary Retirement / Invalidation cases. :
  16. Copy of Government Order imposing cut in Pension issued on completion of Disciplinary Proceedings / Dropping the Charges. :
  17. Copy of Adoption Deed, in case of adopted children. :
  18. Copy of Medical Certificate in the case of Mentally Retarded Children / Handicapped Children. :
- Place: Date : Signature of the Head of Office / Department with Seal. Instructions

- 1. Please send the application in DUPLICATE.**
- 2. Please fill up all columns in capital letters.**
- 3. Incomplete application will not be processed.**
- 4. Annual Account Statement of GPF need not be sent.**
- 5. Last Fund deduction particulars mean deduction to GPF before stopping recovery.**
- 6. For arriving at the Commuted value of Pension, dated signature of the Government servant in Part I is compulsory.**

Annexure (To be sent in triplicate)

1. Joint Passport size Photo of the Government Employee with spouse. (Name of the Government servant and spouse should be written). : { |

Joint Photo

| - | | Name of Government Employee | : | | - | | Name of the Spouse | : | | - | | | : | | Counter Signature of the Head of Office with Seal. | - | 2. | Specimen Signature / Left Hand Thumb impression in case of illiterate. | : | 1. | | - | | | | 2. | | - | | | | 3. | | - | | 3. | Descriptive Roll of Government Employee. [Personal Marks of Identification). | : | 1. | | - | | | | 2. | | - | | | | 3. | | } [Form 5-A] [Form 5-A inserted - G.O. Ms. No. 455, Finance (Pension) Department, dated 15-09-2009.] [See rule 48] Nomination For Life Time Arrears of Pension I..... (Name of the Pensioner in Capital Letters), hereby nominate the person I persons named below under Rule 48 of Tamil Nadu Pension Rules, 1978.

Name and address of the nominee(s).	Relationship with the pensioner.	Date of Birth/ Age	Name and address of other nominee in case thenominee under column (1)	Relationship with pensioner	Date of Birth/ Age	Contingency on happening of which nominations shall
-------------------------------------	----------------------------------	--------------------	---	-----------------------------	--------------------	---

			predeceases the pensioner.			become invalid.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Note. - If nominee / alternate nominee is minor, furnish the name and address of person who may receive the arrears of pension. Place : Date : Signature of the Subscriber. Signature of two witnesses with Name and Address:

1.

2.

-/ Countersigned A Signature of Head of Office. Office Address: [Form 6] [Form 6 and 7 deleted - G.O.Ms, No, 455, Finance (Pension) Department, dated 15-09-2009.][See rule 55(b) 58, 64 and 68 (7),] Form For Sanctioning Pensions. [[FORM 7] [Form 6 and 7 deleted - G.O.Ms, No, 455, Finance (Pension) Department, dated 15-09-2009.]]. [See rule 57, 61 (1), 63, 64(2) and (3), 68 (7).] Form For Assessing Pension / Family Pension / Gratuity. Form 8. Form of Letter to the Audit Officer Forwarding the Pension Papers of a Government Servant. No..... Government of Tamil Nadu Department/ Office..... Dated the..... To The Accountant - General..... Subject: Pension papers of Thiru/Tmt/Selvi ..... for authorisation of pension. -oOo-Sir, I am directed to forward herewith the pension papers of Thiru/ Tmt/ Selvi ..... of this Office/ Department for further necessary action.

**2. The details of Government dues which will remain outstanding on the date of the retirements of Government servant which need to be recovered out of death-cum retirement gratuity are indicated below : -**

(a) Balance of the house building or Conveyance advances	Rs.
(b) Overpayment of pay and allowance including leaves salary	Rs.
(c) Income- tax deductible at source under the Income - tax Act, 1961.	Rs.
(d) Arrears of rent for occupation of Government accommodation	Rs.
Advance amount of rent for the retention of Government accommodation for the	
(e) permissible period of occupation beyond the date of retirement or 25 per cent of death-cum-retirement gratuity or Rs.2,000/- (Rupees Two Thousand only) whichever is less.	Rs.
(f) Any other assessed dues and the nature thereof	Rs.
(g) Amount of gratuity to be with-held for adjustment of unassessed dues, if any	Rs.
Total	Rs.

It is requested that the above mentioned dues may be recovered out of death-cum-retirement gratuity before authorising its payment.

**3. Your attention is invited to the list of enclosures which is forwarded herewith.**

**4. The receipt of this letter may be acknowledge and this Department/Office informed that necessary instructions for the disbursement of pension and death-cum-retirement gratuity have been issued to the disbursing officer concerned.**

Yours faithfully, Head of Office. List of enclosures:

**1. From 5\*, [Forms 6 and 7] [Form 6 and 7 omitted - G.O.Ms.No. 455, Finance (Pension) Department, dated 15-09-2009.] duly completed.**

**2. Medical Certificate of incapacity (if the claim is for invalid pension).**

**3. Service Book (date of retirement to be indicated in the Service Book)**

**4. (a) Two specimen signatures, duly attested by the Head of office or in the case of pensioner not literate enough to sign his name, two- slips bearing the left hand thumb and finger impressions duly attested by the Head of Office.**

**\*\* (b) Three copies of passport size photograph with wife/husband (either jointly or separately) duly attested by the Head of Office. (c) Two Slips showing the particulars of height and identification marks, duly attested by the Head Office.**

**5. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.**

**6. Written statement, if any, of the Government servant as required under rule 62 of the : Tamil Nadu Pension Rules, 1978.**

**7. Brief statement leading to the reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.**

Explanation. - When initials or name of the Government servant are or is incorrectly given in the various records consulted that fact should mentioned in this letter.\* If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 from the Government servant, the Head of Office may forward the pension papers to the Audit Officer, without Form 5.

The Form may be sent as soon as it is obtained from the Government servant.\*\* Only two copies of passport size photograph need be furnished -(i)If the Government servant is governed by rule 49 of the Tamil Nadu Pension Rules, 1978 and is unmarried or a widower or a widow,(ii)if the Government servant is governed by rule 50 of the Tamil Nadu pension Rules, 1978.List of Enclosures.

**1. From 6 Containing the orders of the pension sanctioning authority and Form 7 with details of service, etc.**

**2. Medical certificate for invalidation (if the claim is for invalid Pension).**

**3. Service Book.**

**4. Memorandum of average emoluments reckoning for Pension.**

**5. Last pay Certificate.**

**6. [(a) two specimen signatures duly attested by gazetted Government servant or in the case of pensioner not literate enough to sign his name, slips bearing the left hand thumb and finger impressions, duly attested by gazetted Government servant], and**

(a)[ Two specimen signatures of the pensioner or slips bearing the left hand thumb and finger impressions in the case of pensioner who is not literate enough to sign his name, duly attested by Government servant in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'.] [Form 8, after the Explanation, under the heading 'List of Enclosures' in SI.No. 6, for item (a) substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.]\* (b) Three copies of passport size joint photograph with wife/ husband duly attested by the Head of Office.(c)Two slips showing the particulars of height and identification marks duly attested,

**7. Application for pension in Form 5**

**8. Explanation for delay, if any beyond one month from the date of retirement of the Government servant in forwarding Forms 6 and 7**

**9. When the fact of service in another Office, is not satisfactorily attested in the service book., duly certified abstract from the Head of Office.**

**10. Written statement if any, of the Government servant as required by rule 62 of the Tamil Nadu Pension Rules, 1978, duly admitted by the pension sanctioning authority.**

Form 9.[See rule 71 (1)]Form of Surety BondIn consideration of the Government of Tamil Nadu (hereinafter called the "Government" which expression shall include his successors in office and assigns) having agreed to settle the final accounts or Thiru / Thirumathi / Selvi..... without production of a "No Demand Certificate" from the Department in charge of Government accommodation, I hereby stand surety (which expression shall include may heirs, executors and administrators) for payment of the said.....of rent and other dues in respect of residence now allotted to him/her by the Government and also for any residence that may be allotted or that was allotted to the said from time to time by the Government, I, the surety, further agree and undertake to indemnify the Government against all loss and damage until delivery of vacant possession of the above said residence is made over to the Government.I hereby also stand surety for any amounts that may be due by the said to the Government by way of over payment of pay, allowances, leave salary, advances for conveyance, house-building or other purposes, of any other dues.The obligation undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government in the said.....This guarantee shall remain in force till,(i)the "No Demand Certificate" is issued by the Department in-charge of Government accommodation in favour of the said.....(ii)the Head of Office in which the said.....was last employed, and in case he\she drawing pay allowances on [self drawing Government servants] [Form 9, for the worth 'Gazetted Government servants', the words 'self drawing Government servants' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] bill forms the concerned Audit Officer has certified that nothing is now due to the Government from the said.....The stamp duty on this instrument shall be born by the Government.Signature of surety.Signed and delivered by the said surety at.....this day of in the presence of:

**1. Signature.....**

Address and occupation of witness.....

**2. Signature.....**

Address and occupation of witness.....Certified that Thiru \Thirumathi is a Permanent Government servant and he/she shall not attain the age of superannuation within two years from the date he/she stands surety.Signature of the Head of Department or Office in which the surety is employed.This bond is hereby accepted.(Signature and designation for and on behalf of Governor of Tamil Nadu)Form 10.[(See rules 72 (3) and 74 (2)]Form of Letter to the Members of The Family of A Deceased Government Servan Where Valid Nomination For The Grant of the Death-Cum-Retirement Gratuity Exists.No.....Government of Tamil NaduDepartment/ Office.....Dated the.....ToThe Accountant - General.....Subject: Payment of death cum-retirement

gratuity/in respect of the late Thiru / Thirumathi.....-oOo-Sir/Madam,I am directed to state that in terms of the nomination made by the late Thiru / Thirumathi ..... (Designation) in the Office/ Department .....a death-cum retirement gratuity is payable to his her nominee(s). A Copy of the said nomination is enclosed herewith.

**2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 12.**

**3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part precise details of the contingency may kindly be started.**

Yours faithfully,Head of Office/Audit Officer.Form 11.[See rules 72 (3) and 74 (2)]Form of Letter to the Member or Members of the Family of A Deceased Government Servant Where Valid Nomination For The Grant of The Death-Cum-Retirement Gratuity Does Not Exist.No.....Government of Tamil NaduDepartment/ Office.....Dated the.....ToThe Accountant - General.....Subject: Payment of death-cum-retirement gratuity in respect of the Thiru/Thirumathi.....-oOo-Sir/Madam,I am directed to say that in terms of rule 45 of the Tamil Nadu Pension Rules, 1978, a death-cum-retirement gratuity is payable to the following members of the family of late Thiru/Thirumathi (Designation), in the \_\_\_\_\_Office/Department in equal shares:-

(i) Wife/Husband

(ii) Sons

(iii) Unmarried daughters

[including step children, adopted children and children born through illegitimate wife.] [Form II for the words 'including step children and adopted children', the words 'including step children, adopted children and children born through illegitimate wife' added - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.]

Including adoptive parents in case of individuals whose personal law permits adoption.

**2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares:-**

(i)Widowed daughters including step daughters and adopted daughters.(ii)Father(iii)Mother(iv)Brothers below the age of eighteen years and unmarried and widowed sisters including step brothers and step sisters,(v)Married daughters, and(vi)Children of a pre-deceased son.



### 3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed form 12 as soon as possible.

Yours faithfully, Head of Office/Audit Officer. Form 12. [See rules 72 (3) and 74 (2)] Form of Application for the Grant of Death-Cum-Retirement Gratuity on The Death of a Government Servant. (To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor the guardian should claim gratuity In one Form on their behalf.)

1. (i) Name of the claimant in case he is not minor. :
- (ii) Date of Birth of the claimant. :
2. (i) Name of the guardian in case applicant are minor. :
- (ii) Date of death of guardian. :
3. (i) Name of the deceased Government servant in respect of whom gratuity is being claimed. :
- (ii) Date of death of Government servant. :
- (iii) Office / Department in which the deceased served last :
4. Relationship of the claimant guardian with the deceased Government servant. :
5. Full postal address of the claimant/guardian. :
6. (i) where gratuity is claimed by the guardian on behalf of minor the name of the minor, age, relationship with the deceased Government servant, etc. :

{|

Serial Number	Name	Relationship with the Age deceased Governmentservant	Postal address
(1)	(2)	(3) (4)	(5)

|-|| (ii) Relationship of the guardian with minor. |||-| 7. | Name of the Treasury or Sub-Treasury at which Payment is desired. | :||} Signature / Thumb impression of the claimant / guardian.

8. Two specimen signatures or \*left hand thumb and finger impression of the claimant / guardian duly attested.

[To be furnished in a separate sheet]

14. @Attested by

{|

Name Full Address

Signature

(1) (2)

(3)

|-|| (i)|||-|| (ii)|||-| 15. | Witnesses: |||-|| (i)|||-|| (ii)|||-| }\* To be furnished in case the applicant is not literate enough to sign his name. @ Attestation should be done by two gazetted Government servants or by two or more persons of respectability in the town or village in which the applicant resides. Form 13. [See rule 72(4) and 74(3)] Form of Letter to the Widow /widower of a Deceased Government Servant For Grant of [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] Family Pension.No.....Government of Tamil Nadu Department/ Office.....Dated the.....To Thiru / Thirumathi .....Sir/Madam, I am directed to say that in terms of rule 49 of the Tamil Nadu Pension Rule., 1978, a [\*\*\*] [Form 13. the word 'contributory' wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension is payable to you as widow / widower of the late Thiru / Thirumathi.:..... (Designation) in the Office / Department of

**2. You are advised that a claim for the grant of [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension may be submitted in the enclosed Form 14.**

**3. The [\*] [Form 13. the word 'contributory' wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension will be payable till your death or re-marriage whichever event occurs earlier. In the event of your death or remarriage, the [\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension shall be granted to the child or children, if any, through the guardian.**

Yours faithfully, Head of Office/ Audit Officer. [Form 14.] [Form 14 substituted - G.O.Ms.No.830, Finance (Pension) Department, dated 03-12-1993.] [See rules 72 (4), 74 (3) and 76 (2)] Form of Application For the Grant of Family Pension on the Death of Government Servant / Pensioner.

1. Name of the Applicant :  
 (i) Widow / Widower  
 (ii) Guardian if the deceased Government Servant/ Pensioner is survived by Minor child :
2. Name and Age of surviving widow / widower :  
 and children of the deceased Government

## servant / Pensioners

Serial Number	Name	Relationship with deceased person	Date of Birth by Christian Era
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

3. Name of the deceased Government Servant / Pensioner : 4. Pension Pay Order No. of the deceased Pensioner, if any : 5. Date of death of the deceased Government Servant / Pensioner : 6. Office / Department in which deceased Government Servant / Pensioner served last. In the case of Educational Institution whether it is Government / Aided / Panchayat / Municipal School and the District in which the Institution falls may also be stated. : 7. If the applicant is guardian, his date of birth and relationship with the deceased Government Servant / Pensioner : 8. (i) If the applicant is widow / widower, the details of the amount of service pension if any which she / he may be in receipt on the date of death of the husband / wife. : (ii) If the widow / widower or the son / daughter is employed, the details of such employment : 9. Full address of the Applicant \ : 10. Name of the Treasury or Sub-Treasury at which payment desired : 11. Indicate whether Family Pension is admissible from any other source (Military / Government of India / Local Body) : 12. Signature of left hand thumb impression of the applicant : 13. Enclosures : (i) Two specimen signatures of the applicant, duly attested (to be furnished in two separate sheets) ; : (ii) Two copies of passport size photograph of the applicant duly attested. ; : (iii) Two slips each bearing left hand thumb and ; finger impressions of the applicant duly attested. : (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (To be furnished in duplicate.) : (v) Certificate (s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Local Panchayat or from the Head of a recognized school if the child is studying in Such school. : 14. Attested by : { Name Full Address Signature - (1) (2) (3) - (i) (ii) } 15. Witnesses : (i) (ii) } Notes 1. - Proof for Death (Original or attested copy) should be attached

**2. [ Heirship Certificate (original or attested copy) issued by Tahsildar or Court of Law should be furnished in all cases of claim for family pension except In the cases where Joint Pension Payment Orders have already been issued.] [Form 14, under the heading 'Notes ', item 2. 'Heirship Certificate (original or attested copy) issued by Tahsildar / Court of Law should be Jumished' substituted - G.O.Ms.No.3], Finance (Pension) Department, dated 09th January 1996.]**

**3. Where claim is made by guardian, a guardianship certificate issued by Court of Law should be furnished.**

**4. In case of claim by a widow who happened to be the second wife of the deceased, the information whether the first wife is alive or not, whether the second marriage had taken place after the demise of the first wife, whether the children are through the first wife or second wife etc. should be furnished against column 2.**

**5. [ In case where a Passport size of Joint Photograph of the pensioner with wife or husband, as the case may be, is already available, there is no need to obtain the photograph of the wife or husband, as the case may be, again while applying for family pension on the death of the pension.] [Form 14, under the heading 'Notes', after item 4, item 5 added - G.O.Ms.No.838, Finance (Pension) Department, dated 07th October 1994 with effect from 03rd December 1993.]**

(X)To be furnished in case the applicant is not literate enough to sign his name.(Y)Attestation should be done by one gazetted Government Servant or one or more persons of responsibility in the town or village in which the applicant resides.[Form 14 substituted-G.O.Ms.No.830, Finance (Pension) Department, dated 03-12-1993.]Form 15.[See rules 72 (5) and 74 (4)]Form of Letter To The Member of The Family of A Deceased Government Servant Where Valid Nomination For The Grant Of Non-Contributory Family Pension ExistsNo.....Government of Tamil NaduDepartment/ Office.....Dated the.....ToSir/Madam,Subject: Payment of Non-contributory Family Pension in respect of late Thiru/Thirumathi.....-oOo-I am directed to state that in terms of nomination made by die late Thiru/ Thirumathi ..... (Designation) in the Office / Department of ..... a non-contributory family pension is payable to you as his/her nominee.

**2. I am accordingly to suggest that a claim for the grant of non-contributory family pension may be submitted by you in the enclosed Form 17.**

**3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid precise details of contingency may kindly be stated.**

Yours faithfully,Head of Office/Audit Office.Form 16.[See rules 72(3) and 74(4)]Form of The Letter to the Member or the Family of A Deceased Government Servant Where Valid Nomination For the Grant of Non Contributory Family Pension Does Not

Exist.To.....Sir/Madam, .Subject: Payment of non-contributory family pension in respect of late Thiru / Thirumathi.....-oOo-I am directed to state that in terms of rule 50 of the Tamil Nadu pension Rules, 1978 a non-contributory family pension is payable to the family of the late Thiru/Thirumathi .....Designation in the Office/Department of a.....' ..... as follows(a)(i)to the eldest surviving widow or to the husband(ii)failing widow/husband to the eldest surviving son;(iii)failing (I) and (ii) above, to the eldest surviving unmarried daughter; and(iv)these failing to the eldest surviving widowed daughter; and(b)if there are no surviving members of the family as at clause (a) above.(i)to the father;(ii)failing the father and the mother;(iii)failing the father and mother, to the eldest surviving brother below eighteen years of age;(iv)failing (i), (ii) and (iii) above to the eldest surviving unmarried sister; and(v)failing the above , to the eldest surviving widowed sister,(c)No non-contributory family pension is payable to a person mentioned in clause (b) above without production of reasonable proof that such person was dependent on the deceased for support.

**2. I am to suggest that a claim for the non-contributory family pension may be-submitted in the enclosed Form 17, as soon as possible. If you have a prior claim to it in accordance with gradation given above, you are requested to furnish an affidavit to the effect that there is no other surviving member of the family of Thiru/Thirumathi**

..... ranking above you in the order given in, the first paragraph. If in the light of the above gradation, you have no prior claim to the noncontributory family pension, you are requested to intimate this Office/Department the name, address and relationship with the deceased, the person who according to your knowledge has a prior claim to the non-contributory family pension. Any false information given or declaration made by you in this connection will render you liable to legal action.Yours faithfully,Head of Office / Audit Officer.[Form 17.] [Form 17 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.][See rules 72 (4), 74 (3) and 76 (2)]Combined Application For General Provident Fund Final Closure and Family PensionPart-I For Death While in Service / Extension Of Family Pension Cases(To be sent in duplicate)

- |    |   |   |
|----|---|---|
| 1. | Name of the Government Employee (In CapitalLetters).<br>Designation and Department. | : |
| 2. | Date of Death.  | : |
| 3. | Date of Retirement in case of death afterretirement.                                | : |
| 4. | Name of the Applicant / Guardian in case ofminor.                                   | : |
| 5. | Relationship of Applicant / Minor withGovernment                                    | : |

- Employee.
6. Religion. :
  7. Date of Birth in case of Minor with proof. :
  8. P.P.O. No. allotted by A.G's. Office (applicable only for revision cases) :
  9. G.P.F. No. with Departmental Suffix. :
  10. Residential Address with PTN Code. :  
Mobile No. :
  11. Place of Payment of Pension :  
(a) Pension Pay Office. :  
(b) District Treasury. :  
(c) Sub-Treasury. :  
Are you in receipt of Family. Pension from any other source? : YesNo
  12. If Yes, P.P.O, No. and Treasury from which it is drawn may be furnished. : {

P.P.O.NO.

PPO/District Treasury / Sub-Treasury

| - | 14. | List of Family Members. | : | - | { | - | SI. No. | Name (s) | Relationship | Marital Status | Date of Birth | Whether Handicapped / Mentally Retarded \* | - | | | | | | - | | | | | | } | - | | \* Medical Certificate to be enclosed. | | - | 15. | Name of Guardian in case of mentally retarded children. | : | - | 16. | Death Certificate / Legal Heirship Certificate / Proof of Date of Birth in case of minor children, (Enclose separately.) | : | - | 17. | If the applicant is second wife, Date of Marriage with proof and Details of first wife and children born through both wives may be furnished. [Copy of Death Certificate / Court Orders for divorcing the first wife, as the case may be, to be furnished] | : | } Place: Date : Signature of the Applicant I Guardian. Part-II To be Filled in by the Departmental Officer

1. A.G's Office Reference No. in which the proposals were returned with objections earlier. :
2. Date of Beginning of Service. :
3. Date of Ending of Service. :
4. Gross Qualifying Service. :
5. Additional Qualifying Service due to Contingent Service. :

6. Non-Qualifying Service. :
7. Net Qualifying Service. :
8. Scale of Pay :
9. Pay Last Drawn (Special Pay, Personal Pay drawn if any to be shown separately). :
10. Office served in the last three years. :
11. Has the Subscriber filed any nomination for G.P.F.? : YesNo  
If YES, enclose the same in Original or Attested Copy. :
12. a. Drawing Officer for G.P.F. with Full Postal Address and PIN Code. :  
b. Phone No. of the Office with STD Code. :  
c. E-mail ID / FAX :
13. Treasury / PAO for G.P.F. :
14. a. Drawing Officer for D.C.R.G. with Full Postal Address and PIN Code. :  
b. Phone No. of the Office with STD Code. :  
c. E-mails ID / FAX. :
15. Treasury / PAO for D.C.R.G. :  
Details of Temporary Advance / Part Final Withdrawal sanctioned in
16. the last 12 months (If no debit is drawn in last 12 months, the details of last debit drawn should be specified. :

{|

Month Amount

Voucher	Date of
No.	Payment

|}CertificateIt is certified that:

**1. All the particulars furnished above have been fully verified with reference to office records and are found correct.**

**2. Advance / withdrawal from GPF was granted during the last 12 months as detailed in Column 16 above.**

**3. Provisional Pension has been / has not been paid (Details furnished separately) @**

**4. Conditions laid down in Rule 11(2) and Rule 11(3) of the Tamil Nadu Pension Rules, 1978 have been satisfied and the same has been recorded in Service Book.**

@ Strike out whichever is not applicable. Check List / List of Enclosures

1. Service Book(s). [No. of Volumes]	:	[Enclosed / Not Enclosed]
Recent Passport size Photo, Specimen Signature/ left hand thumb impression	:	
2. (in the case of illiterate) and Descriptive Roll of the claimant, all in triplicate, duly attested. (furnished in the Annexure].	:	
3. Attested copy of Legal Heir Certificate and Death Certificate.	:	
4. Proof of Date of Birth in the case of children.	:	
5. Dependency Certificate from the claimant in case of parent.	:	
6. Income Certificate issued by Revenue Authorities.	:	
7. Non-remarriage Certificate duly countersigned by any Gazetted Officer.	:	
8. Sanction order in respect of Non-Government Aided Educational Institution cases and Missing Employee / Pensioner cases..	:	
9. Guardianship Certificate issued by Court of Law, if payments is to be authorized through Guardian on behalf of minor / mentally retarded children.	:	
10. Medical Certificate issued by Senior Civil Surgeon of the same discipline where payment is to be authorized to physically handicapped children.	:	
11. Copy of First Information Report in respect of missing employee / pensioner cases.	:	
12. Nomination for GPF / DCRG	:	
13. Death Certificate of first wife or copy of Court Orders for divorce.	:	
14. Copy of Adoption Deed in case of adopted children.	:	
15. Copy of Medical Certificate in the case of Mentally Retarded Children.	:	
Place: Date : Signature of the Head of Office / Department with Seal. Instructions	:	

**1. Please send the application in DUPLICATE.**

**2. Please fill up all items in capital letters.**

**3. Incomplete application will not be processed.**

**4. Annual Account Statement of GPF need not be sent.**

**5. Last Fund deduction particulars mean deduction to GPF before stopping recovery.**

Annexure (To be sent in Triplicate)

1. Passport size Photo of the Applicant / Guardian in case of minor with Name. : { |



|-|| Name of Applicant. | :|||-|| Name of Guardian in case of minor. | :|||-||| :|| Counter Signature of the Head of Office with Seal. |-| 2. | Specimen Signature / Left hand thumb impression of the applicant / guardian. | :| 1. | -||| 2. | -||| 3. | -| 3. | Descriptive Roll of Applicant / Guardian. [Personal Marks of Identification]. | :| 1. | -||| 2. | -||| 3. | } Form 18. [See rules 72 (6) and (7), 74 (6) and (7) and 75 (6)] Form For Assessing and Sanctioning Family Pension and Death-Cum-Retirement Gratuity when a Government Servant Dies While in Service. (To be sent in duplicate if the payment is desired in a different circle of audit.)

## Part I – { |

|-| 1. | Name of the deceased Government servant. | :|||-| 2. | Father's Name | :|||-| (and also husband's name in the case of female Government servant.) | :|||-| 3. | Date of birth (by Christian era) | :|||-| 4. | Date of death (by Christian era) | :|||-| 5. | Religion and Nationality. | :|||-| 6. | Office/Department in which last employed. | :|||-| 7. | Appointment held last- | :|||-| (i) Substantive | :|||-| (ii) Officiating | :|||-| 8. | Date of beginning of service. | :|||-| 9. | Date of ending of service. | :|||-| (i) Total period of military service for which pension/gratuity was sanctioned. | :|||-| (ii) Amount and nature of any pension/gratuity received for the military service. | :|||-| 11. | Amount and nature of any pension received for previous civil service, if any. | :|||-| 12. | Government under which service has been rendered in order of employment. | :|||-| 13. | Interruption and non-qualifying service. | :|||-| 14. | Length of qualifying service. | :|||-| 15. | Emolument reckoning for gratuity. | :|||-| 16. | Proposed death-cum-retirement Gratuity. | :|||-| 17. | Whether nomination made for - | :|||-| (i) Death-cum retirement gratuity. | :|||-| (ii) Non-contributory family pension if applicable. | :|||-| 18. | If non-contributory, family pension applies and the Government servants had rendered more than ten years qualifying service - | :|||-| (i) "Average Emoluments" for pension, if the Government servant had retired on the date following the date of his death. | :|||-| (ii) Proposed Pension. | :|||-| (iii) Proposed non-contributory Family Pension. | :|||-| (iv) Period of tenability of non-contributory Family Pension. | :|||-| 19. | If [\*\*\*] [Form 18, Sl. No. 19(ii), the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension applies - | :|||-| (i) Proposed [\*\*\*] [Form 18, Sl. No. 19(ii), the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] Family Pension. | :|||-| (ii) Period of tenability of Family Pension. | :| From | To |-| 20. | [Persons to whom Family Pension (contributory or non-contributory) is payable.] [Form 18, for the Sl. No. 20. 'Persons to whom family pension (contributory or non-contributory) is payable.', the following substituted 'Persons to whom family pension or non-contributory family pension is payable.' - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] | :|||-| (i) Name | :|||-| (ii) Relationship with the deceased Government servant. | :|||-| (iii) Full Postal Address. | :|||-| 21. | Persons to whom death-cum-retirement gratuity is payable. | :|||-| { | -| Serial Number | Name | Amount of the Share of the DCRG | Relationship with the deceased. | Full Postal Address | -| (1) | (2) | (3) | (4) | (5) | -| 1. | | | | | -| 2. | | | | | -| 3. | | | | | -| 4. | | | | | -| 5. | | | | | } |-| 22. | Name of the guardian who will receive payment of family pension and death-cum-retirement gratuity in the case of minor(s). | :|||-| 23. | Government dues,

if any, outstanding against the deceased Government servant. | :||-| 24. | Head of Account to which family pension and death-cum-retirement gratuity are debatable. | :||-| 25. | Name of the Treasury or Sub-Treasury where the payment of family pension and death, cum-retirement gratuity is desired. | :||-| Signature of the Head of Office / Audit Officer. Dated the..... Place .....

## Part II – Section I

Details of service (showing interruption) of the late Thiru/Thirumathi/Selvi..... Date of Birth ..... Date of Death.....

Establishment	Appointment	Officiating / Substantive	Date of service	Date of ending or service.	Period reckoning as service.	Period not reckoning as service.	Total Period of service.	Remarks by the Audit Officer.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			Y.M.D.		Y.M.D.			

Section II. (To be filled if non-contributory family pension is admissible.)\* Emolument drawn during the last ten months.

Name	From	To	Pay	Personal Pay	Special Pay
------	------	----	-----	--------------	-------------

### Average Emoluments

\* In a case when the last ten months include some period not to be reckoned for calculating average emoluments an equal period backwards has to be for calculating the average emoluments. Section III Details of non-qualifying service.

1. Interruptions. :
2. Extraordinary leave not qualifying for pension. :
3. Period of suspension not treated as qualifying. :
4. Any other service not treated as qualifying. :

Section IV. Period of service verified with reference to the Acquittance Rolls. Whether the above period has been verified in accordance with the provisions of sub-rule (4) of rule 62 of the Tamil Nadu Pension Rules, 1978.

## Part III – {

| -| 1. | Remarks of the Head of Office-||-|| (1) As to the character conduct and past service of the deceased government servant. | :| Good / Fair / Indifferent / Bad. | -|| (2) .Explanation of any suspension or degradation, | :||-|| (3) Any other remarks. | :||-|| (4) Specific opinion of the Head of Office whether the service claimed is established and should be admitted or not. | :||-| 2. | Orders of the pension sanctioning authority.-The undersigned having satisfied himself that the service of the late Thiru/Thirumathi/ Selvi ..... was thoroughly satisfactory hereby orders the grant of the full death-cum-retirement gratuity and non-contributory family pension (if applicable) which

may be accepted by the Audit Officer asadmissible under the Tamil Nadu Rules, 1978 to the person (s)mentioned in Part I of this Form.|-|| OR|-|| The undersigned having satisfied himself that the service ofthe late Thiru/Thirumathi/Selvi.....was notthoroughly satisfactory hereby orders that the amount of gratuityand non-contributory family pension if applicable, as may beaccepted by the Audit Officer under the Tamil Nadu Pension Rules,

## 1978. shall be reduced by the amount specified below before any

authority for payment is issued to the person(s) mentioned in

## Part 1 – of this Form.

|-|| Amount of reduction in the gratuity. | :|-|| Amount of reduction in non- contributory family pension, ifapplicable. | :|-|| The grant of gratuity or of family pension or of both shalltake effect from..... | :||}Signature and designation of the Pension sanctioning authority.Place.....Date the.....[Part III-A] [Form 18, after Part-III, Part-III-A added - G.O.Ms.No.475, Finance (Pension) Department, dated 10-07-1981.] Details of provisional family pension and gratuity to be drwan and disbursed by Head of Office in accordance with rule 74(7)

Provisional Family Pension : Rs. per mensem

Gratuity as mentioned in item 16 of : Rs.

Part I

Less.

(a) Government dues which have been ascertainedand assessed. :

(b) Amount of gratuity held over for adjustmentof Government dues which have not been Assessed so far. :

(c) Total of (a) and (b) Net amount of gratuitypayable provisionally. :

### Part-IV Section I.Audit Enfacement

1. Total period of qualifying service which hasbeen accepted for- :

(i) Death -cum-Retirement gratuity :

(ii) [ Family pension or non- contributoryfamily pension.] [Form 18, Part-IV, Section-I, for the SI. No. 1(ii) 'Family pension (Contributory or non-contributory)', the following item substituted 'Family pension or non-contributory family pension. G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] :

2. Reduction ordered by pension sanctioningauthority. :

3. Net amount of death-cum-retirement of gratuityafter taking into account the reduction mentioned in item 2 andother Government dues. :

4. Amount of[\*\*\*] [Form 18, Part-IV, Section-1, SI.No.4, the word 'contributory' omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st

January 1979.]family pension.

(i) if death took place before seven years of service. :

(ii) if death took place after seven years of service, the period of tenability of the enhanced pension. :

5. Amount of non-contributory family pension after taking into account the reduction, mentioned in item 2 and the period for which order is issued. :

6. The date from which family pension is admissible. :

7. Head of Account to which death-cum- retirement gratuity and family pension are chargeable. :

\$\$

Accounts Officer Assistant Accountant -General

## Section II

1. Name of the deceased Government servant. :

2. Date of death of the Government servant. :

3. Date of submission of claim by the family of the deceased Government servant :

4. Sanctioning authority. :

5. Amount of family pension sanctioned. :

6. Amount of gratuity sanctioned. :

7. Date of sanction. :

8. Amount recoverable from gratuity. :

9. The Amount of gratuity held over for adjustment of unassessed Government dues. :

Note I. - Service for the period commencing from and up to the date of death has and yet been verified this should be done before pension payment it is tenable.

## Part V – . Instructions

**1. Average emoluments. - The calculation of average emoluments, mentioned in item 1 of Part I of this Form should be based on the actual number of days contained in each month.**

### **2. Detail of service. -**

(a) Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods a month is reckoned as thirty days. (b) All periods not reckoned as service should be distinguished.

**3. Identification marks. - Specify a few conspicuous marks not less than two, if possible.**

- 4. Name. -** When initials or the name of the Government servant are or is incorrectly given in the various records consulted mention this fact in the letter forwarding the pension papers.
- 5. Date of death. -** Date of death to be indicated in the service book and the Last Pay Certificate, if any.
- 6. Alterations. -** Alterations to be made in red ink under date initials of a [two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'] [Form 18, in Part V, in Instruction-6, for the words 'Gazetted Government Servants the following 'two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs. 1820/- and above, coming under Group 'B' substituted -G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.].

Form 19.[See rule 74 (6)]Form of Letter to the Audit Officer Forwarding Papers For The . Grant of Family Pension and Death-Cum-Retirement Gratuity to the Family of a Government Servant who Dies While In Service.ToThe Accountant-General /Pay and Accounts Officer,.....Sir,Subject:- Grant of Family Pension and Death-cum Retirement Gratuity.-oOo-I am directed to say that Thiru ..... (Designation) .....died on..... His family has become eligible for the grant of family pension and death-cum-retirement gratuity. Form 18 duly completed [\*\*\*] [Form 19. in Para 1, the -words 'and containing the orders of the pension sanctioning authority' omitted- G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] is forwarded herewith for further necessary action.

**2. Your attention is invited to the list of enclosures which is forwarded herewith.**

**3. The receipt of this letter may be acknowledged and the Department / Office informed that necessary instructions for the disbursement of family pension and death-cum-retirement gratuity have been issued to the Treasury Officer concerned.**

Yours faithfully,(Head of Office).List of Enclosures.

**1. Specimen signature or left hand thumb and finger impressions of beneficiary, duly attested.**

**2. Two attested copies of a passport size photograph of the beneficiary.**

**3. Descriptive Roil of the beneficiary, duly attested.**

Form 20.[See rule 74 (2)Form of Letter Sanctioning [\*\*\*] [Form 20, the word 'contributory' wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] Family Pension to the Child or Children of a Retired Government Servant who Dies After Retirement But Does Not Leave Behind a Widow / Widower.ToThe Accountant-General /Pay and Accounts Officer,.....Sir,Sub: Grant of Family Pension to the child / children.-oOo-I am directed to say that Thiru / Thirumathi .....;.....formerly ..... (Designation) in: this Department/Office was sanctioned pension of Rs.....with effect from.....on his / her retirement from service.

**2. Intimation has been received in this Department / Office that Thiru/Thirumathi .....died on.....and that at the time of death left no widow / widower but was survived by the following children**

SL No.	Names	*Son / Daughter	Date of birth in Christian era.	Date from which family pension ceases to bepayable.
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				

**3. In terms of rule 49 of the Tamil Nadu Pension Rules, 1978, the amount of [\*\*\*] [Form 20, the word 'contributory' wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension has become payable to the children in the order mentioned above. The contributory family pension will be payable on behalf of the minors to Thiru / Thirumathi who is the Guardian.**

**4. Sanction for the grant of [\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension of Rs.\_\_\_\_\_per month to the children mentioned above is hereby accorded. The [\*] [Form 20, the word 'contributory' wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension will . take effect from.....and subject to the provisions of sub-rule (6) of rule 49 of the Tamil Nadu pensions Rules, 1978 will be tenable till.....**

**5. The contributory family pensions is debitable to the Head:**

**6. Attention is invited to the information furnished in the enclosed list,**

**7. The receipt of this letter may. kindly be acknowledged and this Department/Office informed that necessary instruction for the Payment of [\*\*\*] family pension to the guardian, have been issued to the Treasury Officer concerned.**

Yours faithfully,(Head of Office).\* The names of children should be mentioned in the order of eligibility mentioned in rule 49 of the Tamil Nadu pension Rules, 1978. [Children bom as a result of marriage which took place before the retirement of the Government servant or children adopted legally [\*\*\*] [In Form 20 in the foot note, for the second sentence, the sentence 'Children adopted legally shall only be Included. ' substituted - G. O.Ms.No. 583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.] should be included.] Children adopted legally shall only be included.List.

**1. Permanent address of the guardian.**

**2. Place of payment (Government Treasury or Sub-Treasury).**

Enclosures.

**3. Specimen signature of left\* hand thumb and finger impressions of the guardian, duly attested.**

**4. Two attested copies of a passport size photograph of the guardian.**

## 5. Descriptive Roll of the guardian duly attested.

\* To be furnished in the case of the guardian who is not literate though to sign his/her name. Form 21. [See rule 76 (2).] Form of Letter Sanctioning Family Pension to the Child or Children or the Death or Remarriage of a Widow / Widower who was in Receipt of [\*\*\*] Family Pension. To The Accountant-General / Pay and Accounts Officer, ..... Sir, Sub: Grant of Family Pension to the child / children. -oOo-

**1. am directed to say that Thiru / Thirumathi ..... widow i widower of late Thiru" / Thirumathi ..... formerly in this (Designation) ..... Department / Office was sanctioned contributory family pension of Rs. .... with effect from the ..... The [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] Family Pension was tenable till the death or remarriage of the widow / widower.**

**2. Intimation has been received in this Department / Office that Thiru / Thirumathi died/remarried on.....**

**3. At the time of death / re-marriage Thiru / Thirumathi ..... had following children \* -**

SL No.	Name	*Son / Daughter	Date of birth in Christian era	Date from which family pension ceases to be payable.
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				

**4. In terms of rule 49 of the Tamil Nadu Pension Rules, 1978, the amount of contributory family pension has become payable to the children in the order mentioned above. i The [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension will be payable on behalf of the minors to Thiru / Thirumathi ..... who is the guardian.**



**5. Sanction for the grant of contributory family pension of Rs. \_\_\_\_\_ per month to the children mentioned above is hereby accorded. The [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension \* will take effect from.....and subject to the provisions of sub-rule (6) of rule 49 of the Tamil Nadu pensions Rules, 1978 will be tenable till.....**

**6. The [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pensions is debitable to the Head.**

**7. Attention is invited to the information furnished in the enclosed list.**

**8. The receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instruction for the payment of [\*\*\*] [Omitted by 'contributory' G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.] family pension to the guardian have been issued to the Treasury Officer concerned.**

Yours faithfully,(Head of Office).\* The names of children should be mentioned in the order of eligibility mentioned in rule 49 of the Tamil Nadu pension Rules, 1978. [Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally before retirement should be included.] Children adopted legally shall only be included.List.

**6. Permanent address of the guardian.**

**7. Place of payment (Government Treasury or Sub-Treasury).**

Enclosures.

**8. Specimen signature of left\* hand thumb and finger impressions of the guardian, duly attested.**

**9. Two attested copies of a passport size photograph of the guardian.**

**10. Descriptive Roll of the guardian duly attested.**

\* To be furnished in the case of the guardian who is not literate enough to sign his/her name.Form 22.[See rule 76(4).]Form of Application for the Grant of Residuary Gratuity on the Death of a

## Pensioner (To be filled separately by each applicant)

1. Name of the applicant - :
2. (i) Name of the guardian in case the applicant is a minor :  
(ii) Date of birth of guardian :
3. Name of the deceased pensioner :
4. Office/Department in which the deceased pensioner served last :
5. Date of death of the pensioner :
6. Date of retirement of the deceased pensioner :
7. Amount of monthly \* Pension (including ad hoc increase, if any) sanctioned to deceased pensioner :
8. Amount of death-cum retirement gratuity received by the deceased pensioner :
9. The amount of pension (including ad hoc increase, if any) drawn by the deceased till the date of death :
10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension :
11. Total of items 8, 9 and 10 :
12. Amount of death-cum-retirement Gratuity equal to 12 times of the emoluments :
13. The amount of residuary gratuity claimed i.e., the difference between the amount shown against item 12 and item 11 :
14. Relationship of the applicant with the deceased pensioner :
15. Date of birth of the applicant :
16. Name of the Treasury or sub-Treasury at which payment is desired :
17. Full address of the applicant :
18. Signature or thumb impression of the applicant (To be furnished in a separate sheet, duly attested,) :
19. Attested by :

Name Full Address

Signature

(1) (2)

(3)

[-] (i) [-] (ii) [-] 20. Witness : [-] (i) [-] (ii) [-]} \* If a retired Government servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension, including ad hoc increase, if any, together with the death-cum retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount equal to the 12 times of his emoluments. Residuary gratuity equal to the deficiency becomes payable to the family. When a Government servant had retired before earning a pension, the amount of service gratuity should be indicated. Attestation should be done by two [two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'] [Form 22, in the foot note, for

the words 'Gazetted Government Servants', the following 'two Government servants in Group A ' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B' substituted - G.O.Ms.No. 118, Finance (Pension) Department, dated 14-03-1997.] or by two or more pensions of respectability in the town or village in which the applicant resides. Form 23. [See rule 36.] Form of Medical Certificate Elsewhere than India We have carefully examined Mr. \_\_\_\_\_ taking into account all the facts of the case as well as his present condition, we consider that he is incapable of discharging the duties of his situation, and that such incapability is likely to be permanent. His incapacity does not appear to us to have been caused by irregular or intemperate habits. Note. - If the incapacity is obviously the result of intemperance substitute for the last sentence : "In our opinion his incapacity is the result of irregular or intemperate habits". If the incapacity does not appear to be complete and permanent, the certificate should be made. We are of opinion that A t B, is i fit for further service of a less laborious character than that which he has been doing (or may, after resting for months, be it for further service of a less laborious character than that which he has been doing)." Form 24. [See rule 36,] Form of Medical Certificate in India. Certified that I (we) have carefully examined A, B, Son of C ,D, a ..... in the ..... His age is by his own statement.....years, and by appearance about years. I (we) consider A, B to be completely and permanently incapacitated for further service of any kind for in the department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits. [If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made: ] [Form 24 in the 'Note ' Paragraph(l) omitted - G. O. Ms. No. 524, Finance, dated 30th July, 1981.] I am (we are) of opinion that A, B is fit for further service of a less laborious character than that which he has been doing for any, after resting for months, be fit for further service of a less laborious character than that which he has been doing. Form 25. [See rule 26] Form of Indemnity Bond. Know all men by these presents that we (a) ..... (b) the widow /son/brother, etc, of (c), (hereinafter called the obligor,) and son-wife /daughter of-.....resident of the sureties) for and on behalf of he obligor (hereinafter called the sureties), are held and firmly bound to the Government of Tamil Nadu (hereinafter called "the Government") in fee sum of Rs.....(Rupees..only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective, heirs, executors, administrators, legal representatives, successors and assign by these presents. Signed this.....day of..... two thousand and Whereas (c) .....was at the time of his death rate of \*? Rs.....(Rupees...month) from fee Government/receiving a pension at fee rate of Rs.....(Rupees only) per month) from fee Government. And Whereas the said (c) .died on....fee..day of .....19 and there was due to him at the time of his death the sum of Rs.....(Rupees.....only) for and towards fee share of his minor son/daughter in fee death-cum-retirement gratuity. And Whereas fee obligor claims to be entitled to fee said sum as defacto guardian of the minor son/daughter of the (c).....bid has not obtained till fee date of these presents the certificate guardianship from any competent court of law in respect of the said minors). And Whereas, the obligor has satisfied the (c) .....that he/she is entitled to aforesaid sum and required to produce fee certificate of guardianship from the competent court of law before payment to him of fee said sum of Rs.....(Rupees only). And Whereas fee Government have no objection to fee payment of the said sum to fee obligor but under

Government Rules and orders, it is necessary for the Obligor to first execute about wife one surety/two sureties to indemnify the Government against all claims to the amount so due as afford said to fee said (c).....before the said sum can be paid to fee Obligor. And Whereas fee obligor and at his/her request the surety/ sureties have agreed to execute fee bond in the terms and manner hereinafter contained. Now fee condition of this bond is such that after payment has been made to the Obligor, the Obligor and or fee surety \sureties shall in the event of a claim being made by any other person against fee Government wife respect to fee aforesaid sum of Rs refund to the Government the said sum of Rs.....and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto then the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue. And these presents who witness that fee liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the Government whether wife or without the knowledge or consent of the surety \sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method of thing whatsoever which under the law relating to sureties shall, but for this provision have the effect of so releasing the surety \sureties from such liability for shall it be necessary for the Government to see the Obligor before suing the surety \sureties or either of them for the amount due hereunder. In witness whereof the Obligor and the Surety \Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written. Signed by the above names Obligor in the presence of (1).....(2)..... Signed by the above names 'surety \sureties' (1).....(2)..... Accepted for and on behalf of the Government of Tamil Nadu by the Head of Department in the presence of.....(Name and Designation witness)

- (a) Full name of the claimant referred to as the 'Obligor' :
- (b) State the relationship of the Obligor to the deceased. :
- (c) Name of the deceased Government Officer. :
- (d) Full name or names of the sureties with name or names of the fathers)/ husband(s) and place of residence. :
- (e) Designation of the Officer responsible for payment. :

[Form 26.] [Form 26 added - G.O.Ms.No.814, Finance (Pension) Department, dated 30-09-1994 with effect from 27th December 1991.] [See rule 64 (4).] Pension and Death-Cum-Retirement Gratuity Calculation Sheet.

- |    |  |   |
|----|--|---|
| 1. | Name   | : |
| 2. | Designation  | : |
| 3. | Office and Department last served                              | : |
| 4. | Date of Birth  | : |
| 5. | Date of Entry into the Government Service ,                    | : |
| 6. | Date of Retirement   | : |
| 7. | Length of qualifying service reckoned for pension and gratuity | : |
| 8. | Emoluments drawn during the last months                        | : |
| 9. | (1) Average emoluments for pension                             | : |

(2) Pension admissible :  
 Calculation to be shown as follows :  
 { |

Average Emoluments or LPD2

| X|

Qualifying Service (In completed 6 monthly period not exceeding 60)60

| -| 10.| (1) Emoluments for gratuity| :| -|| (2) Retirement gratuity admissible| :| -|| Calculation to be shown as follows| :| -||

Emoluments4

| X|

Qualifying Service (In completed 6 monthly period not exceeding 66)66

| -| 11.| (1) Emoluments for Family Pension| :| -|| (2) Family Pension admissible Calculation to be shown as follows| :| -|| (a) Ordinary rate of Family Pension| :| 30% of Pay Last Drawn subject to prescribed minimum and maximum and not exceeding the pension admissible on the date of retirement.| -|| (b) Enhanced rate of Family Pension| :| 50% of Pay Last Drawn subject to prescribed minimum and maximum and not exceeding the pension admissible on the date of retirement.| } [Form 27.] [Form 27 added - G.O.Ms.No.845, Finance (Pension) Department, dated 11-10-1994 with effect from 12th May 1987.](See rule 74 (6-A).] Family Pension Calculation Sheet.

1. Name :
2. Designation :
3. Office and Department last served :
4. Date of Birth :
5. Date of Death :
6. Rules under which Family Pension or Death-cum-Retirement Gratuity was settled. :
7. Qualifying Service :
8. Period of Service not qualifying for Family Pension with reasons for not qualifying indicating each :
9. Emoluments taken into account for calculation of Family Pension or Death-cum-Retirement Gratuity :
10. Enhanced Rate of Family Pension and Date from which it is payable :
11. Ordinary Rate of Family Pension and Date from which it is payable :
12. Names and relationship of the Family Members of the deceased to whom the Family Pension granted. :
13. Amounts of Death-cum-Retirement Gratuity sanctioned :
14. Whether nomination for Death-cum-Retirement Gratuity is available :
15. If so, the details of nominee and their relationship to the deceased Government servant. :
16. Details of persons to whom Death-cum-Retirement Gratuity paid and their relationship to the deceased Government servants. :

## **Part II – . The Tamil Nadu Extraordinary Pension Rules**

**1. These rules may be called the Extraordinary Pension Rules, Tamil Nadu.**

**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 of piecework rates who are under the rule-making control of Government.**

Note. - No award shall be made under these rules in respect of a civilian office who is deputed on foreign service under U.N. Bodies on or after 1st January 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an 'Associate Member'.

**3. For the purposes 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 an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service:(2)'date of injury' 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 Government may fix; and(ii)in the case of disease, the date on which the Medical Board report or such earlier date as may be fixed by 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 a medical officer as a result of attending a post-mortem examination in the course of that duty; or(ii)disease solely and directly attributable to an accident.(iii)an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent or in consequence of his attending voluntarily out of humanitarian motives, upon own patient suffering from in any such disease in any area where he happens to be in the performance of his duties;(3-A) 'Government' means the Government of Tamil Nadu .(4)'injury' means bodily injury resulting from violent 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(5)'pay' means the pay as defined in rule 9 (21) of the Fundamental Rules which a person was drawing on the date of his death on injury:Provided that in the case of a person remunerated by piece work-relates, 'pay' means the average earnings of the last six months ending with the date of his death or injury.(6)'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 a 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 nature, conditions, obligations or incidents of Government service;Note. - The term 'risk of office' shall include their risk of death or injury which a Government servant is exposed of 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 any suburban areas continuous 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.(7)'Special risk' means -(i)a risk of suffering injury by violence;(i)a risk of injury by accident to which a Government servant is exposed in the course of, and as consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office;(ii)a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicaemia patient or conducting a post-mortem examination in pursuance of that duty;(8)'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. No award shall be, made under these rules except with the sanction of Government. In making an award Government may taken into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.**

**5. Except as otherwise provided in these rules, an award made under these rules shall not affect 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 reemployment in Government service.**

**6. No award shall 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 the disease of which he died.

**7. All awards under these rules shall be made in India in rupees 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 be paid in sterling at the exchange rate of 1 .s. 6 d. to the rupees.**

## 8. For the purpose of these rules injuries shall be classified as follows:-

Class A. - Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature. 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 limb or are of a more serious nature. Class C. - Injuries caused as a result of 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 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) gratuity of the applicable amount specified in Schedule II, and (b) with effect from the date following the expiry of one year 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. (2) If a Government servant sustains an injury which falls within Class B of rule 8, he shall be awarded - (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 a 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 certifies 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 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 year, or 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 where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb, Government may award, if they think 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 invalided 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 certified that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.



**10. Subject to the provision contained in the note below rule 11 award shall be made to the widow or widower and children or parents of a Government servant as follows:-**

(i) if a Government servant is killed or dies of injury received as a result of special 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; (ii) if the Government servant is killed or dies of injuries received as a result of risk of office a pension the amount of which shall not exceed the applicable amount specified in Schedule III. Provided that, if the pay of the deceased Government servant was less than Rs. 200 the monthly pension or the sum of pensions that may be granted under this rule, shall not, irrespective of the rates (including the minimum limits) specified in Schedule III, exceed the limit of one-half of his pay, and if any case the sum of such pensions calculated under Schedule III exceeds the limit of one-half of his pay, such a pro rata reduction shall be made in the amount of each individual pension as will reduce the sum to such limit. Note. - If a Government servant dies leaving behind two or more widows the pension or gratuity admissible under this rule to the widow shall be divided equally among all the widows. (iii) if a Government servant is killed or dies of injury received as a result of special risk of office, the gratuity amount equal to one-half of that which would otherwise be admissible to the widow may be paid in equal shares to motherless children of the deceased Government servant and in the absence of widow and children one-half of the gratuity, otherwise, admissible to the widow, may be paid to parents of the deceased Government servant, individually or collectively, without reference to dependency on the deceased Government servant or pecuniary need.

**11.**

(1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need; Provided that the total amount of the award shall not exceed one-half of the pension that would have been admissible to the widow under rule 10: Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless." (2) Any award made under sub-rule (1) of this rule will in the event of an improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as Government may by order prescribe. Note. - If any of the widows, children, father, mother or minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him, such a person shall be ineligible to receive any award under these rules and the benefit shall pass on to the next person eligible.

**12.**

(1) A family pension will take effect from the day following the death of the Government servant or from such other date as Government may decide : (2) A family pension will ordinarily be tenable

-(i)in the case of a widow or mother until death or remarriage whichever occurs, earlier.(ii)in the case of a minor son, or minor brother until he attains the age of 18.(iii)in the case of an unmarried daughter or minor sister until marriage or until she attains the age of 21 whichever occurs earlier;(iv)in the case of a father for life.(v)in the case of widower, until death or re-marriage whichever occurs earlier.Note. - The family pension of a widow will cease on re-marriage but, when such marriage is annulled by divorce, desertion, or 'death "of the second husband, the pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

## 12.

-A. Notwithstanding anything contained in clause (1) 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 the 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 pension 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 arise, the head of the office or of the department in which the injured, or the deceased Government servant was employed will forward the claim through the usual channel and the Accountant-General to 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 deceased 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 a medical report cannot be secured.(3)The audit officer shall furnish a report as to whether an award is admissible under the rules and if so what amount.(4)Where the Government are satisfied on the evidence placed before them 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 them of the possibility of an error of judgment 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 said Government servant and submit a report to Government in the matter; pension shall be granted to the said Government servant in accordance with the decision of the Second Medical Board.(5)In case where the evidence placed before the Government by the Government servant is a medical certificate of a medical practitioner, such certificate shall not be (sic) uk nto consideration unless such medical practitioner declares that the medical certificate has been given in full knowledge of the fact that the Government servant concerned had already been examined by a Medical Board.(6)The Second Medical Board shall be arranged by the Government in consultation with the Director of Medical Education. The Members of the Second Medical Board shall be nominated by the Director of Medical Education or

by Deans of Madras Medical College, Madurai Medical College and Superintendent, Thanjavur Medical College Hospital.

**14. Wherever a delay of more than four months is anticipated in the finalisation of pension or gratuity under these rules, anticipatory pension or gratuity to the extent of 75 per cent of the amount admissible as pension or gratuity under these rules, may be sanctioned after obtaining audit certificate from the Accountant General, Tamil Nadu and after consulting the Tamil Nadu Public Service Commission.**

Note. -(1) All relevant particulars, namely, a full statement of the circumstances in which the injury, disease or death occurred, report regarding the contributory negligence or otherwise on the part of the official, a medical report in proper form, a certificate to the effect that the official is not entitled to any compensation under the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and that no other compassionate gratuity has been or will be applied for in respect of the deceased official should be furnished by the Head Office Department concerned. Note. - (2) This rule will apply only to cases in which the sanction to the final award is to be accorded by the Tamil Nadu Government and not to those in respect of whom the borrowing Government which bear full liability, are to sanction the award. Ruling.

**1. The Extraordinary Pension Rules, Tamil Nadu shall apply to air journeys also, just as they apply to other modes of journeys according to circumstances of each case. An officer who travels on duty by air under proper authority and receives an injury and the family of an officer who meets with death shall be eligible for compensation under the Extraordinary Pension Rules, Tamil Nadu provided the case satisfies the other conditions in those rules. The question whether the injury or death should be attributed to "risk of office" or " special risk of office" for the purpose of grant of compensation will be determined with reference to the merits of each case.**

Notes. - (1) An ex-gratia payment up to Rs.42,000 in addition to the benefits admissible under the Extraordinary Pension Rules, Tamil Nadu may be paid to the family of the Government servant involved in fatal accident while travelling as passengers by service air-crafts or other Government Aircraft in the course of the performance of his official duties, provided that such travel is made only when absolutely necessary. This benefit shall also be admissible to the members of the Crew of the Government Air-crafts. (2) An Officer travelling on duty by air should be regarded as exposed to "special risk of office" as defined in the relevant extraordinary pension rules. (3) For purposes of awards under rule 10, the term children' has been interpreted to include a 'posthumous child'.

**I.**

(Note to clause (4) of rule 3.) Classification of Injuries. Equal 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 fractures (except phalanges). Such gross destruction of soft parts as to lead to permanent disability on 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, tembero-maxiliary or rigidity of the dorsi. lumbar 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 Pension.

Pay of Government Servant on the date of injury	Gratuity	Monthly Pension	
Higher scale.	Lower scale		
(1)	(2)	(3)	(4)
		Rs.	Rs.
	Three months pay subject to a minimum of Rs.800/-		
1. Rs. 2,000 and over...		300	225
2. Rs. 1500 and over but under Rs.2,000/	-do-	275	200
3. Rs. 1000 and over but under Rs. 1,500/	-do-	200	150
4. Rs.900 and over but under Rs.1,000/-	-do-	150	125
5. Rs.400 and over but under Rs.900/-	-do-	100	84
6. Rs.350 and over but under Rs.400/-	-do-	85	70
7. Rs.200 and over but under Rs.350/-	-do-	67	50
8. Under Rs. 200/-	Four month's pay	One-third of pay subject to a minimum of Rs.50 per mensem.	One-fifth of pay subject to a minimum of Rs.50 per mensem.

Notwithstanding the limits specified in the entries in columns (3) and (4) against item 8, the minimum injury pension shall be Rs.8 under the higher scale and Rs.4 under lower scale in the case

of re-employed pensioners and in the case of those pensioners drawing superannuation, retirement, invalid, compensation or family pension.

### III.

(Rule 10.)Family Gratuity And Pension.A. Widow.

Pay of Government

Servant on the date of death	Gratuity	Monthly Pension	
(1)	(2)	(3)	
1.	Rs. 800 and over ..	Three months, pay subject to a minimum of Rs.800	20 percent of pay subject to a maximum of Rs.275
2.	Rs. 200 and over but under Rs.800.	-do-	25 per cent of pay subject to a maximum ofRs.150 and a minimum of Rs.75.
3.	Under Rs. 200	Four month's pay.	45 per cent of pay subject to a maximum of Rs.75 and a minimum ofRs. 40.

B. Children.

Pay of Government Servant on the date of death	Monthly Pension of each child.		
If the child is motherless.	If the child is not motherless.		
(1)	(2)	(3)	
1.	Rs. 800 and over	Rs.60	Rs.25
2.	Rs. 250 and over but under Rs.800.	37.50	13
3.	Under Rs. 250	15 per cent of pay	One twentieth of pay subject to a minimum of Rs.3.

Note. -(1) These rates are subject to the condition that the pension payable to a child shall in no case be less than the amount of pension which would have been admissible to him had the provisions of Rule 54 of Part I of the Tamil Nadu Government Servants Family Pension Rules, 1964, been applied. Note. -(2). - The widower of a female Government Servant shall be paid at the rates admissible to a widow. Note. -(3). - In the case of a child whose mother was a Government servant the rates laid down for a motherless child shall be admissible only where both father and mother are dead. Note. -(4).- The above rates are applicable only to a Government servant who dies after completion of one year's service. In respect of Government servant who dies before completion of one year's service, the rates in Schedule III-A are to be applied. Note. -(5).- The deduction of the month's emoluments from death-cum-Retirement - gratuity (with reference to Rule 50 of part I Tamil Nadu Pension Rules) need not be made in case where pension is regulated in terms of Schedule III of the Extraordinary Pension Rules, Tamil Nadu. This amendment shall be deemed to

have come into force on the 21st November 1970.

### III

#### A Family Gratuity and PensionA. Widow.

##### Pay of Government

Servant on the date of death	Gratuity	Monthly Pension	
(1)	(2)	(3)	
1.	Rs. 800 and over	Three months, pay subject to a minimum of Rs.800	(1) One eighth of pay subject to a maximum of Rs. 200
2.	Rs. 200 and over but under Rs.800.	-do-	(2) One sixth of pay subject to a maximum of Rs.100 and a minimum of Rs.50.
3.	Under Rs. 200	Four month's pay.	One third of pay subject to a maximum of Rs. 50 and a minimum of Rs. 8.

#### B. Children.

##### Pay of Government

Servant on the date of death	Monthly Pension of each child.		
If the child is motherless.	If the child is not motherless.		
	(1)	(2)	(3)
Rs. 800 and over	Rs.40	Rs.25	
1.			
2.	Rs. 250 and over but under Rs.800.	25	13
3.	Under Rs. 250	One-tenth of pay subject to a minimum of Rs. 4.	One twentieth of pay subject to a minimum of Rs.3.

### IV.

Form. A. Form of Application For Injury Pension or Gratuity. [Rule 13 (2).]

#### 1. Name of applicant

- 2. Father's name.**
- 3. Race, sect and caste.**
- 4. Residence, showing village and district.**
- 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.**

Thumb and finger impression. Thumb, forefinger, middle finger, ring finger, little finger.

- 17. Date on which the applicant applied for pension.**
- 18. Details of other superannuation / invalid / retirement / compensation pension being drawn by the applicant and details of re-employment, if any.**

Certified that no other pension or gratuity has been or will be applied for in respect of the injury or injuries detailed in this application. Signature of the applicant. Signature of Head of Office. Note. - (i)

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). If not known exactly must be stated on the best information of estimates. Form B. Form of Application For Family Pension [Rule 13(2)]. 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, Submitted by the Description of claimant -

**1. Name and residence, showing village and district.**

**2. Age.**

**3. Height.**

**4. Race, caste or tribe.**

**5. Marks of 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 proposed.**

**14. Place of payment.**

**15. Date from which pension is to commence.**



## 16. Remarks.

Certified that no other compassionate gratuity has been or will be applied for in respect of the late Thiru / Thirumathi (here enter the name and designation of the Government Servant).Name.Date of birth by Christian Era,Name and ages of surviving kindred of deceased

-Sons.Widows.Daughters.Father.Mother.Note. - (If the deceased has left no son, widow, daughter, father or mother surviving him the word 'none' or 'dead' should be entered opposite to such relative)Signature of Head of Office.Place:Date:Form C.Form to be Used by Medical Boards When Reporting on Injuries.[Rule 13(2).]Proceedings of Medical BoardConfidentialProceedings of a Medical Board assembled by order for the purposed of examining and reporting on the present state of the injury sustained by at (Place of injury etc.) disease contracted by on the (date of inquiry, 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 questions 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:-Yes / No

#### 1. Is the injury-

(i)(a)the loss of an eye or a limb?(b)the loss of more than one eye or limb?(ii)more severe than the loss of an eye or a limb?(iii)equivalent to the loss of an eye or a limb?(iv)very severe and likely to be permanent?(v)severe and likely to be permanent?(vi)very severe, or severe, but not likely to be permanent?(vii)slight but likely to be permanent?

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

Is the 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 now be placed?Remarks. - In this space additional details may be given, if necessary.Instructions to be observed by the Medical Board preparing the Report.

- 1. The Medical Board before recording its opinion should invariably consult the proceedings of 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 columns provided.**
- 3. In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's un-supported statements and the medical and documentary evidence available.**
- 4. The Board will not express any opinion, either to the Government servant examined, or in its 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.**

[Rule 70(2)(b) under Note, after the words 'Tamil Nadu Co-operative Societies Act, 1961', the words 'or to the Tamil Nadu Housing Board' substituted - G.O.Ms.No.655, Finance (Pension) Department, dated 19-06-1985.]