

The Khadi And Village Industries Commission Employees (Pension) Regulations, 1984

UNION OF INDIA

India

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Rule

THE-KHADI-AND-VILLAGE-INDUSTRIES-COMMISSION-EMPLOYEES-P of 1984

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1971.

G.S.R. 686(E), dated 26th September, 1984. - In exercise of the powers confirmed under Section 27 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Khadi and Village Industries Commission, hereby makes with the previous sanction of the Central Government, the following Regulations, namely ;

Chapter 1 Preliminary

1. Short title and commencement.

(1)These regulations may be called the Khadi and Village Industries Commission Employees (Pension) Regulations, 1984.(2)They shall come into force on the date of its notification in the official Gazette.

2. Application.

- Save as otherwise provided in the regulations, these regulations shall apply to all employees of the commission born on the regular establishment of the Commission appointed substantial to posts under the said Commission, but shall apply to the employees of the commission in the establishment: Provided that an employee of the Commission who his retirement from service on attaining the age of superannuation or on his being declared to be percently incapacitated for further service under the Commission by an appropriate medical authority or he has rendered temporary service of not less then twenty years shall be brought within the pursue of these regulations and the condition of hold a post in a substantive capacity shall be discaused with in this case : Provided further that nothing in these regulations shall apply to an employee of the Commission who being in the service of the Commission on the date which these regulations come into effect, in being opt out to be governed by these regulations. Explanation : (i) For the purpose of this regulation, employees of the Commission-born on the regular establishment" shall means all the employees of the commission who are on time-scales of pay, but shall include the following: (a) Government servants and other employees serving under the Commission on deputation terms; (b) apprentices and trainees; (c) honorary workers; (d) persons in casual and daily rated employment; (e) persons employed on contract basis for specific schemes or purposes for specific periods and; (f) persons re-employed on superannuation; (ii) "Employees of the Commission in the trading establishment" means the employees of the Commission whose expenditure is met from the earnings of trading activities for which funds are provided from loans received from the Central Government.

3. Definition.

- In these regulations, unless the context otherwise requires :- (i) "Act" means the Khadi and Village Industries Commission Act, 1956 (61 of 1956); (ii) "allottee" means an employee of the Commission to whom Commission's accommodation has been allotted on payment of licence fee or otherwise. (iii) "average emoluments" means average emoluments as determined in accordance with the regulation 31; (iv) "Appointing Authority" means an authority under the Commission to whom powers for making appointments are delegated by the Commission or the Chief Executive officer, as the case may be from time to time; (v) "Chief Executive Officer" means the Chief Executive Officer appointed by the Commission under rule 8 of the Khadi and Village Industries Commission Rules, 1957; (vi) "Chief Accounts Officer" means the Chief Accounts Officer of the Commission and includes any authority under the Commission to whom powers are delegated by the Chief Executive Officer or the Commission for the purpose of discharge of duties and functions assigned to the Chief Accounts Officer under these regulations; (vii) "Child" means a child of an employee of the Commission who, if a son, is under 21 years of age and if a daughter is unmarried and is under 24 years of age and the expression "children" shall be construed accordingly; (viii) "Commission's dues" means dues as defined in sub-regulation (3) of regulation 65; (ix) "Director (Administration)" means the Director appointed by the Commission to be the head of its Directorate of Administration and shall include any officer to whom powers are delegated by the Chief Executive Officer or the Commission for the purposes of discharge of duties and functions assigned to the Director (Administration) under these regulations; (x) "emoluments" means emoluments as defined in

regulation 30;(xi)"employee" means an employee of the Commission;(xii)"family pension" means family pension admissible under regulation 49;(xiii)"foreign service" means service in which an employee of the Commission receives his pay with the sanction of the Commission from any source other than the funds of the Commission;(xiv)"Form" means a Form appended to these regulations;(xv)"Government" means the Central Government;(xvi)"gratuity" includes(i)'service gratuity' payable under sub-regulation (1) of regulation 43;(ii)'death-cum-retirement gratuity' payable under sub-regulation (1) or sub-regulation (3) of regulation 44; and(iii)'residuary gratuity' payable under sub-regulation (2) of regulation 44;(xvii)"Head of a Department" means an authority specified as such by the Commission under orders issued from time to time;(xviii)"Head of Office" means an officer declared as such under orders issued by the Commission or the Chief Executive Officer from time to time for the purpose of these regulations;(xix)"minor" means a person who has not completed the age of 18 years;(xx)"Medical authority" means Medical authority appointed by the Commission and includes in the case of an application for commutation of pension-(a)seeking commutation of invalid pension, or(b)seeking commutation of pension other than invalid pension but his application for commutation has not been received by the Head of Office within one year of his retirement and the amount of pension to be commuted together with the amount or amounts previously commuted exceeds one hundred rupees per mensem, or(c)Where commutation has been refused on medical grounds, or in the case of an applicant having once declined to accept communication on the basis of addition of years to his actual age recommended by the medical authority, applied for a second medical examination in accordance with the provisions of regulation 103 and regulation 104 the medical authority shall be a Medical Board that maybe decided by the Commission in each such case.(xxi)"Pension" includes gratuity except when the term 'pension' is used in contradistinction to gratuity;(xxii)"qualifying service" means the service rendered by an employee while on duty or otherwise which shall be taken into account for the purpose of pension and gratuity admissible under these regulations;(xxiii)"retirement benefits" includes pension or service gratuity, and Death-cum-retirement gratuity, where admissible;(xxiv)"Service book" includes service roll, if any,(2)Words and expressions used herein and not defined in these regulations, the Act or rules made under Section 26 of the Act but defined in the fundamental Rules of the Government have the meanings respectively assigned to them in those rules.

4. Employees of the commission transferred from posts to which these regulations do not apply.

(1)An employee of the Commission who is transferred permanently to a post to which these regulations apply from a post to which these regulations do not apply shall become subject to these regulations :Provided that it shall be open to him, within six months of 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 retrial benefits to which he was subjected immediately before the date of his transfer;(2)the option under proviso to sub-regulation (1) shall be exercised in writing and communicated to the authority making such order of transfer; and(3)the option once exercised shall be final.

Chapter II

General Conditions

5. Claims to Pension or Family pension.

(1) All claims to pension or family pension of employees of the Commission shall be governed by the provisions of these regulations. (2) The day on which an employee of the Commission 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 : Provided that in the case of an employee of the Commission who is retired prematurely or who retires voluntarily under clause (d) of sub-regulation (3) of regulation 5 of the Khadi and. Village Industries Commission Regulations, 1958, the date of retirement shall be treated as non-working day.

6. Limitations on number of pensions.

- An employee of the Commission shall not earn two pensions in the same service or post at the time or by the same continuous service except as provided in regulation 17. An employee of the Commission 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.

7. Pension subject to future good conduct.

- I (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these regulations. (b) The Commission or any other authority to whom the Commission may delegate powers in this regard may, by an order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave mis-conduct. Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees sixty per mensem. (2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-regulation (1) shall be taken in the light of judgment of the Court relating to such conviction. (3) In a case not falling under sub-regulation (2) if the authority referred to in the sub-regulation (1) considers that the pensioner is prima facie guilty of a grave misconduct, it shall, before passing an order under sub-regulation (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 15 days of the receipt of the notice or such further time not exceeding 15 days as maybe allowed by the authority specified in sub-regulation 1 (b) 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-regulation (1) is an authority other than the Commission itself, the Chairman shall be consulted before the order is passed. (5) An appeal against an order under sub-regulation (1), passed by any authority other than the Commission shall lie to the Commission and the commission shall pass such orders on the appeal as the Commission deems fit.

8. Right of Commission to withhold or withdraw pension.

(1)The Commission shall have the power of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Commission, 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 :Provided that the Services Board of the Commission shall be consulted before any final orders are passed.Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupee sixty per mensem.

2.

(a)The department proceedings referred to under sub-regulation (1), if instituted while the employee was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the employee of the Commission be deemed to be proceedings under this regulation and shall be continued or concluded by the authority by which they were commenced in the same manner as if the employee of the Commission had continued in service.Provided that where the departmental proceedings are instituted by an authority subordinate to the Commission, that authority shall submit a report recording its findings to the Commission.(b)The departmental proceedings, if not instituted while the commission's employee was in service whether before his retirement or during his re-employment.(i)shall not be instituted save with the sanction of the Commission,(ii)shall not be in respect of any event which took place, more than 4 years before such institution, and(iii)shall be conducted by such authority and in such places as the Commission 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 employee of the Commission during his service.(3)No judicial proceedings, if not instituted while the employee was in service whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than 4 years before such institution.(4)In the case of an employee who has retired on attaining the age of superannuation, or otherwise and against whom may departmental or judicial proceedings are instituted, or where departmental proceedings are continued under sub-regulation (2) a provisional pension as provided in Regulation 63 shall be sanctioned.(5)Where the Commission decides not to withhold or withdraw pension, but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of an employee of the Commission.(6)For the purpose of this regulation,(a)Departmental proceedings shall be deemed to be instituted on the date on which the statement of charge-sheet is issued to the employee of the Commission or pensioner, or if the employee of the Commission has been placed under suspension from an earlier date, on such date; and(b)judicial proceedings shall be deemed to be instituted(i)in the case of criminal proceedings, on the date or which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made, and(ii)in the case of civil proceedings, on the date the plaint is presented in the Court.Note. - (1) Regulation 63 provides that an employee of the commission who is retired and against whom may departmental or judicial proceedings are instituted or are continued, shall be paid provisional pension. The payment of

provisional pension under regulation 63 is mandatory.(2)Even in cases covered by the above mentioned Regulations, 100 per cent pension, which is otherwise admissible to the employee of the Commission should be authorised as provisional pension, as in the case of normal retirement, No gratuity shall, however, be paid at this stage.(3)In cases where the competent authority orders reduction of pension under Regulations 7,8 and 38, the reduction should be effected in whole rupees only, so that the residual pension may be paid in whole rupees even after effecting the reduction.(4)Sub-regulation (1) of Regulation 8 confers on the Commission the right to withhold or withdraw the pension or part thereof, either permanently or for a specified period, and to order recovery from the pension, of the whole or part of any pecuniary loss caused to the Commission, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service including service rendered upon re-employment on retirement. Sub-regulation (2) of Regulation 8 further provides that the departmental proceedings referred in sub-regulation (1), if instituted before the retirement of the employee or during his re-employment, shall, after his final retirement, be deemed to be proceedings under these regulations and shall be continued and concluded. Accordingly, the minor penalty proceedings and the major penalty proceedings, which are instituted against the employee of the Commission while in service and which do not get concluded before the date of retirement, automatically becomes proceedings under Regulation 8.However, since grave misconduct or negligence cannot be established as a result of minor penalty proceedings, action under Regulation 8 for withholding or withdrawing pension etc. cannot be taken against a pensioner in respect of whom minor penalty proceedings had been instituted and have been continued after retirement. Such minor penalty proceedings continued before retirement, therefore, do not literally have any effect on the pension in the matter of reducing or withdrawing or withholding of his pension.

9. Commercial employment after retirement.

(1)If a pensioner who, immediately before his retirement was holding a group 'A' (Class-I) post under the Commission wishes to accept any commercial employment before the expiry of 2 years from the date of his retirement, he shall obtain the previous sanction of the Commission to such acceptance;Provided that an employee of the Commission who was permitted by the Commission to take up such employment during his leave preparatory to retirement or refused leave shall not be required to obtain subsequent permission for his continuation in such employment after retirement.(2)Subject to the provisions of sub-regulation (3) the Commission may, by an order in writing, on an application made by the pensioner, grant, subject such conditions if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission to such pensioner to take up such employment specified in the application.(3)In granting or refusing permission under sub-regulation (2) to a pensioner for taking up any such employment, the Commission shall have regard to the following factors, namely :(a)the nature of the employment proposed to be taken up and antecedents of the employer;(b)whether his duties in the employment which he proposes to take up might be such as to bring him in conflict with the Commission;(c)whether the pensioner while in service had any such dealings with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;(d)whether the duties of the Commercial employment proposed involve liaison or contract work with the Commission;(e)whether his

commercial duties will be such that his previous official position or knowledge of experience under the Commission could be used to give the proposed employer an unfair advantage.(f)the emoluments offered by the proposed employer; and(g)any other relevant factor.(4)Whether within a period of 60 days of the date of the receipt of an application under Sub-regulation (3), the Commission does not refuse to grant permission applied for or does not communicate the refusal to the applicant, the Commission shall be deemed to have granted the permission applied for.(5)Where the Commission grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within 30 days of the receipt of the order of the Commission to that effect make a representation against any such condition or refusal and the Commission may make such orders thereon as it deems fit :Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-regulation without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.(6)If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Commission, or commission breach of any condition subject to which permission to take up any commercial employment has been granted to him under this regulation, it shall be competent for the Commission to declare by order writing and for reasons to be recorded therein should not be entitled to the whole or such part of pension and for such periods as may be specified the order:Provided that no such orders shall be made without giving the pensioner concerned an opportunity showing cause against such declaration :Provided further that in making any order under sub-regulation, the Commission shall have regard the following factors, namely :(i)the financial circumstances of the pensioner concerned;(ii)the nature of, and the emoluments from the commercial employment taken up by the pensioner concerned ; and(iii)any other relevant factor.(7)Every order passed by the Commission under his regulation shall be communicated to the pensioner concerned.(8)In this regulation(a)the expression "commercial employment" means :(i)an employment in any capacity including that of an agent or on honorarium under a Company, co-operative Society, a society registered under Registration of Society's Act, 1960 or any other law, for the time being in force in any state, firm or individual engaged in trading, commercial, industrial, financial, or professional business Khadi and Village Industries activities and includes also a Directorship of such company and partnership of such firm, but does not include employment under a body corporate wholly or substantially owned or controlled by the Central Government or a State Government.Setting up practice either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner,(a)has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are related to his official knowledge or experience, or(b)has professional qualification but the matter 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(c)has to undertake work involving liaison or contract with the offices or officers of the Commission.Explanation. - For the purpose of this clause, the expression "employment under a Co-operative Society or a society registered under Societies Registration Act, 1960 or any other law for the time being in force in any state" includes holding of any office, whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.In the case of re-employed pensioners the date of retirement for the purpose of this regulation shall be the date on which employees of the commission finally cease to be so re-employed in Commission's service.Note. - Retired Group 'A'

(i.e. Class-I) Officers to furnish half-yearly declaration about accept of commercial employment, - Retired Group A' (Le. Class-I) Officers are required to furnish half-yearly a declaration in the prescribed form about acceptance non-acceptance of commercial employment within two years from the date of their retirement and also about acceptance non-acceptance of any employment under any Government outside India. In cases where the commercial employment under a Government outside India has been accepted within two years from the date of retirement without obtaining Commission's approval, the Chief Accounts Officer will seek Commission's orders before making further pension payments. Non-Employment Declaration I declare that I have/have not accepted commercial employment after obtaining/without obtaining sanction of the Commission. I declare that I have/have not accepted any employment under any Government outside India after obtaining/without obtaining sanction of the Commission. Place : date : Signature
.....Name of PensionerP.P.O. No
.....To be furnished by Commission's Group A (Class-I Officers during first two years from the date of retirement.

10. Employment after retirement under a Government outside India.

- If a pensioner, who immediately before his retirement was holding a group 'A' (Class-I) post under the Commission, wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the Commission for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the commission may direct : Provided that an employee who was permitted by the Commission to take up a particular form of employment under any Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement. Explanation. - For the purpose of this regulation the expression "employment under any Government outside India" includes employment under a local authority or Corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a Member.

Chapter III

Qualifying Service

11. Commencement of qualifying service.

- Subject to the provisions of these regulations, qualifying service of an employee 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 : Provided that officiating or temporary service is followed without interruption by confirmation against a permanent post under the Commission : Provided further that the service rendered before attaining the age of eighteen years shall not count for the purpose of this regulation.

12. Conditions subject to which the service qualified.

(1)The service of an employee shall not qualify unless his duties and pay are regulated by the Commission, or under conditions determined by the Commission.(2)For the purposes of sub-regulations (1), the expression "service" means service under the Commission and paid by the Commission from the funds of the Commission and shall also include previous continuous service of a Commission's employee in the All India Khadi & Village Industries Board and where the service under the said Board is followed without a break in service in the Commission but does not include service in a non-pensionable establishment under the Commission unless such service is treated as qualifying service by the Commission.

13. Counting of service on probation.

- Service on probation against a post if followed by confirmation in the same or another post shall qualify.

14. Counting of service as apprentice.

- Service as an apprentice shall not qualify.

15. Counting of service rendered under trading establishment or on contract.

(1)A person how is initially engaged by the Commission under a trading establishment or on contract for a specified period and is subsequently transferred or appointed permanently to the same or another post under the regular establishment without interruption of duty, in the interest of Commission's work, may opt either-(a)to retain the Commission's contribution in the Contributory Provident Fund with interest thereon including any other compensation or retirement benefits for that service; or(b)to agree to refund to the Commission the monetary benefits referred to in clause (a) or to fore go 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-regulation (1) shall be communicated to the head of office under intimation to the Director (Administration) within a period of a 3 months from the date of issue of the order of permanent transfer or appointment to the regular establishment, or if the employee is on leave on that date, within 3 months on his return from leave whatever is later.(3)If no communication is received by the Head of Office within the period referred to in sub-regulation (2), the employee of the Communication shall be deemed to have opted to forgo or refund the monetary benefits referred to in clause (a) of sub-regulation (1) and count in lieu thereof the service for which the aforesaid monetary benefits were paid or payable.

16. Counting of per-retirement service under the Commission in the case of re-employed employee of the Commission.

(1) An employee of the Commission who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a post under Commission to which these regulations 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 (i) the pension already drawn, (ii) the value received for the commutation of a 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 under Commission 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 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 employee of the Commission was reduced on initial re-employment, and the expression 'which was not taken into account' shall be construed accordingly. (2) (a) The authority issuing the order of substantive appointment to a post under Commission as referred to in sub-regulation (1) shall alongwith such order require in writing the employee of the Commission to exercise the option under that sub-regulation within three months of the date of issue of such order, or if he is on leave on that day, within 3 months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b). (b) If no option is exercised within the period referred to in clause (a), the employee of the Commission shall be deemed to have opted for clause (a) of sub-regulation (1). (3) In the case of an employee of the Commission who opts for clause (a) of sub-regulation (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 the death-cum-retirement gratuity, if any, that would be admissible at the time of the employee'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 of communication value applicable at the time of the second or final retirement and as determined in accordance with Regulation 86. (4) (a) An employee of the Commission who opts for clause (b) of sub-regulation (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 an employee of the Commission who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of un-refunded gratuity shall be adjusted against the death cum-retirement gratuity which may become payable to his family.

17. Counting of military was service rendered before employment under the commission.

(1) a person who is re-employed in a post under the commission before attaining the age of superannuation and who, before such re-employment, had rendered military service after attaining the age of eighteen years, may on his confirmation in a post under the Commission, 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 services, or (b) to cases to draw his pension and refund—(i) the pension already drawn, and (ii) the value received for the communication of a part of military pension, and (iii) the amount of death-cum-retirement gratuity including service gratuity, if any, and count previous military service as qualifying service, in which case the service so 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) to 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 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. Note. - War service rendered by an employee appointed substantively to a post shall be treated as military service subject to the following conditions: (a) In the case of service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service; (b) No contribution towards or share of pension earned as a result of counting war service rendered in a force of a Common wealth country shall be claimed from the Government of that country; and (c) No refund of bonus or gratuity in respect of war service shall be demanded from the employee concerned. Explanation. - In this clause, the expression 'which was taken into account' means the amount of pension including the pension equivalent of gratuity by which the pay of the employee of the Commission was reduced on initial re-employment, and the expression which was not taken into account shall be construed accordingly. (2) (a) The authority issuing the order of substantive appointment to a post under the commission as is referred to in sub-regulation (1) shall along with such order require in writing the employee of the Commission to exercise the option under that sub-regulation within three months of date of issue of such order, if he is on leave on that day, within 3 months of his return from leave, whichever is later and also bring to his notice to provisions of clause (b). (b) If option is exercised within the period referred to in clause (a), the employee of the Commission shall be deemed to have opted for clause (a) of sub-regulation (1). (3) (a) An employee of the Commission who opts for clause (b) of sub-regulation (1) shall be required to refund the pension, bonus or gratuity received in respect of his earlier military 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. (4) In the case of an employee of the Commission who having elected to refund the pension, bonus 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 regulation allowing previous military service to count as part of the service qualifying for pension under these regulations, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military service and service under the Commission.

18. Counting of periods spent on leave.

- All leave during service for which leave salary is payable and all extraordinary leave granted to medical certificates shall count for 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 the leave to count as qualifying service if such leave is granted to an employee of the Commission :(i)due to his inability to join or re-join duty on account of Civil commotion;or(ii)for prosecuting higher scientific and technical studies.

19. Counting of periods spent on training.

- The Commission may, be order decide whether the time spent by an employee of the commission under training immediately before appointment to service under the Commission shall, count as qualifying service.

20. Counting of periods of suspension.

- The period passed by an employee of the Commission under suspension pending enquiry in the conduct shall count as qualifying service where, on conclusion of such enquiry, he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rules governing such cases expressly declare at the time that it shall count to such extent as the competent authority may declare.Note. - The competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in the service book records will be taken note of at the time of reckoning qualifying service. In the absence of any specific entry, period of suspension shall be taken as counting towards the qualifying service.

21. Forfeiture of service on dismissal or removal.

- Dismissal or removal of an employee of the Commission from service of the Commission entails for feature of his past service.

22. Counting of past service on re-instatement.

(1)An employee of the Commission who is Commission from service of the Commission entails for feiture of his past 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.

(1) Resignation from a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service. (2) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely : (i) that the resignation was tendered by the employee for some compelling reasons which did not involve any reflection on his integrity efficiency or conduct and the request for withdrawal of the resignation has been made as a result of material change in the circumstances which originally compelled him to tender the resignation; (ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper; (iii) that the period of absence from duty between the date on which the resignation become effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days; (iv) that the post, which was vacated by the employee on the acceptance of his resignation or any other comparable post, is available; (3) Request for withdrawal of resignation shall not be accepted by appointing authority where an employee resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a Corporation of Company wholly or substantially owned or controlled by the Government in or under a body controlled or financed by the Government; (4) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty; the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

24. Effect of interruption in service.

(1) An in-option in service of an employee of the Commission entails forfeiture of his past service, except in the owing cases :- (a) authorised leave of absence; (b) unauthorised absence in continuation of authorised leave or absence so long as the post of absentee is not filled substantively; (c) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or whether the employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension : (d) transfer to nos-qualifying service in an establishment under the control of the Commission if such transfer has been ordered by a competent authority in the interest of the Commission; (e) joining time while on transfer from one post to another. (2) Notwithstanding anything contained in sub-regulation (1) the appointing authority it may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

25. Condonation of interruption in service.

(a) In the absence of a specific indication to the contrary in service book, in interruption between two spells of service rendered by an employee under the Commission shall be treated as automatically

condoned and interruption service treated as qualifying service.(b)Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.(c)The period of interruption referred to in clause (6) shall not count as qualifying service.

26. Addition to qualifying service when an employee of the Commission is declared surplus.

(1)An employee of the Commission other than an employee Group 'D' (Class-IV) post, who, after having been declared surplus opts to retire voluntarily within two months of such declaration and is permitted to retire, shall be entitled to have five years added to the qualifying service rendered by him:Provided that the qualifying service rendered is not more than fifteen years and the resultant length of qualify service after taking into account the aforesaid condition is not more than the service the employee should have counted had he retired on the date of his superannuation.(2)In respect of an employee in Group 'D' Class-IV post, the provisions of sub-regulation (1) shall apply if he opts for voluntary retirement within a period of two months after having been declared surplus the Commission.

27. Addition to qualifying service in special circumstances.

(1)An employee who is recruited at the age of 35 years or more may, within a period of 3 months from the date of his appointment elect to forego his right to pension whereupon he shall be eligible to opt for the benefits under the Khadi and Village Industries Commission (Contributory Provident Fund) Regulations, 1958 and the Khadi and Village Industries Commission Employees (Gratuity), Regulations, 1975.(2)The option referred to in sub-regulation (1) once exercised shall be final.

28. Period of deputation to United Nations and other organisations.

- An employee deputed on foreign service for a period of 5 years or more to the United Nations Secretariat or other United Nations bodies, the International Monetary Fund, the international Bank of Reconstruction and Development or Asian Development Bank or 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 regulations; or (b)avail of the retirement benefits admissible under the rules of the aforesaid Organisation and not count such service as qualifying for pension under these regulation :Provided that where an employee opts for clause (b), the pension contributions, if any, paid by the employee shall be refunded to him.

29. Verification of qualifying service after 25 years service, or 5 years before retirement.

(1)On an employee of the Commission completing 25 years of service or on his being left with 5 years service before the date of retirement, whichever is earlier, the Head of Office, shall in accordance with the rules for the time being in force, verify the service rendered by such an employee, determine the qualifying service and communicate to him in From 18 the period of

qualifying service so determined.(2)Notwithstanding anything contained in sub-regulation (1) where an employee is transferred to another department, or on account of closure of the department he had been previously serving or because he held had been declared surplus, the verification of service may be done whenever such event occurs.(3)The verification done under sub-regulation (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the regulations and orders governing the conditions under which the service qualifies for pension.

Chapter IV

Emoluments And Average Emoluments

30. Emoluments.

(1)the expression "emoluments" means pay as defined in rule 9(21) of the Fundamental Rules (including dearness pay as determined by the order of the Government issued from time to time) of the Government which an employee of the Commission was receiving immediately before his retirement or on the date of his death.Note. - (1) If an employee 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 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 purpose of this regulation :Provided that any increase in pay (other than the increment referred to in note-4 below) which is not actually drawn shall not form part of his emoluments.(2)Where an employee 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 a higher appointment shall be given only if it is certified that the employee of the Commission would have continued to hold the higher appointment but for his proceeding on leave.(3)If an employee immediately before his retirement or death while in service had been absent from duty on extra ordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this regulations.(4)If an employee 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 :Provided that the increment was earned during the currency of the earned leave not exceeding 120 days or during the first 120 days of earned leave where such leave was for more than 120 days.(5)Pay drawn by an employee while on deputation to the Armed Force of India shall be treated as emoluments.(6)Pay drawn by an employee while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Commission had he not been on foreign service shall alone be treated as emoluments.Classification.-Death-cum-retirement gratuity is calculated on the emoluments last drawn by an employee of the Commission before retirement and not on the basis of average emoluments. Thus where Death-cum-Retirement Gratuity is calculated after taking into account the element of dearness allowance, the full benefit of dearness pay should be allowed in the calculation of Death-cum-Retirement Gratuity.

31. Average emoluments.

- Average emoluments shall be determined with reference to the emoluments drawn by an employee of the Commission during the last ten months of his service. Note. - (1) If during the last ten months of a service, the employee of the Commission had been absent from duty on leave for which leave salary 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 to determine the average emoluments: Provided that any increase in pay [other than increment referred to in Note (3) below] which not actually drawn shall not form part of his emoluments. (2) If, during the last ten months of his service an employee of the Commission had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included. (3) In the case of an employee of the Commission who was on earned leave during last ten months of his service and earned an increment which was not withheld, such increment though actually drawn shall be included in the average emoluments: Provided that the increment was earned during currency of the earned leave not exceeding 120 days or during the first 120 days of earned leave which such leave was for more than 120 days.

Chapter V

Classes Of Pensions And Conditions Governing Their Grant

32. Superannuation pension.

- A superannuation pension shall be granted to an employee of the Commission who is retired on his attaining the age of compulsory retirement. Note. - Every employee of the Commission shall retire from service with effect from the afternoon the last day of the month in which his date of retirement falls according to the clauses (a) and (b) sub-regulation (3) of Regulation 5 of the Khadi Village Industries Commission's Regulations-19 without prejudice to clause (d) of the said Regulation.

33. Retiring pension.

- A retiring pension shall be granted- (a) to an employee of the Commission who retires, or is retired, in advance of the age of compulsory retirement, in accordance with the provisional regulation 40 or 41 of these regulations or clause of sub-regulation (3) of Regulation 5 of the Khadi and Village Industries Commission Regulations, and (b) to an employee of the Commission who being declared surplus, opts for voluntary retirement in accordance with the provisions of regulation 2 of these regulations. Note. - The orders regarding retirement on the last day of the month shall not apply to the cases of premature retirement.

34. Pension on absorption in or under Government in or under a Corporation or Company.

- An employee of the Commission who has permitted to be absorbed in a service or post under Government or in or under a Corporation Company wholly or substantially owned or allowed by the Government or in or under a body allowed or financed by the Government shall, if absorption is declared by the Commission to be the public interest be deemed to have retired from service the date of such absorption and shall be capable to receive retirement benefits which he may elected or deemed to have elected, and from date as may be determined in accordance with orders of the Government applicable to corresponding categories of Government servants :Provided that no declaration regarding absorption the public interest in a service or post in or under Government or in or under such Corporation, Commission body shall be required in respect of an employee of the commissions whom the Commission may, under, declare to be a scientific employee.

35. Payment of lump sum amount to an employee of the Commission on absorption in or under Govt. or in or under a Corporation, Company or body.

(1)Where an employee of the Commission referred to in Regulation 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:(a)on an application made in this behalf a lump sum amount not exceeding the commuted value of one third of his pension as may be admissible to him in accordance with the provisions of chapters XI to XIII of these regulations; and(b)terminal benefits equal to the commuted value of the balance amount of pension to left after commuting one third of pension to be worked out with reference to the commutation tables obtaining on the date fromwhich the commuted value becomes payable subject to the condition that the employee of the Commission surrenders his rights of drawing two third of his pension.

36. Invalid pension.

(1)Invalid pension may be referred if an employee of the Commission retires from the service on account of any bodily or mental ability which permanently incapacitates him for service.(2)An employee of the Commission applying for valid pension shall submit a medical certificate in capacity from the medical authority nominated by the Commission for the purpose in form 17.(3)Where the Medical Authority referred to in regulation (2) has declared an employee of the Commission fit for further service of less laborious better than that which he had been doing, he should, he is willing to be so employed, be employment a lower post and if there be no means of employed him even on a lower post, he may be admitted valid pension.

37. Compensation pension.

(1)If an employee of commission 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 options:(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.(2)(a)Notice of at least 3 months shall be given to an employee in permanent employment before his service are dispensed with on the abolition of his permanent post.(b)Where notice of at least 3 months is not given and the employee 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 3 months.(c)No compensation pension shall be payable for the period in respect of which he receives pay and allowances in view of notice.(3)In case an employee of the Commission is granted pay and allowances for the period by which the notice given to him falls short of 3 months and he is re-employed 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 an employee of the Commission who is entitled to compensation pension accepts instead another appointment under the Commission and sub-sequently becomes entitled to receive 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.

38. Compulsory retirement pension.

(1)An employee of the Commission compulsorily retired from the 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-third and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.(2)Whenever in the case of an employee of the Commission, an order is passed, by an authority other than the Commission itself (whether original, appellate or in exercise of power of review), awarding a pension less than the full compensation pension admissible under these regulations, the Chairman shall be consulted before such order is passed.Explanation - In this sub-regulation, expression 'pension' includes gratuity.(3)A pension granted or awarded under sub-regulation (1) or, as the case may be under sub-regulation (2), shall not be less than the amount of Rupees sixty per mensem.Explanation. - This form of penalty has been introduced to provide for cases in which the continuance of an employee of the Commission in service is considered to be undesirable but the extreme penalties of removal or dismissal, with consequent loss of pension, is considered to be too severe.The persons on whom the penalty of compulsory retirement is imposed should ordinarily be granted the full compensation pension and death-cum retirement gratuity admissible on the date of compulsory retirement. Where, however, the circumstances of a particular case so warrant, the authority competent to impose the penalty of compulsory retirement may make such deductions in the pensionary benefits, within the limits prescribed, as it may think appropriate.

39. Compassionate allowance

(1)An employee of the Commission who is dismissed or removed from service shall forfeit his pension and gratuity :Provided that the authority competent to dismiss or remove from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding

two third of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.(2)A compassionate allowance sanctioned under proviso to sub-regulation (1) shall not be less than the amount of rupees sixty per mensem.Explanation : (1) - Compassionate allowance is one of the various kinds of pension and as such is commutable in accordance with provisions contained in Chapters XI to XIII of these Regulations.(2)The reliefs in pension would be admissible to a retired employee of the Commission who is in receipt of compassionate allowance.

Chapter VI

Regulation Of Amounts Of Pensions

40. Retirement on completion of 30 years qualifying service.

(1)At any time after an employee of the Commission has completed 30 years of qualifying service:-(a)he may retire from service, or(b)he may be required by the Commission to retire in the public interest, and in case of such retirement, the employee shall be entitled to a retiring pension :Provided that :(a)An employee of the Commission shall give a notice in writing to the appointing authority at least 3 months before the date on which he wishes to retire; and(b)The Commission may also give a notice in writing to an employee of the Commission at least 3 months before the date on which he is required to retire in the public interest or 3 months pay and allowances in lieu of such notice :Provided further that where an employee of the Commission giving notice under clause (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold pension to such an employee retiring under regulation.(2)(a)An employee of the Commission refund to in clause (a) of the first proviso the sub-regulation (1) may make a request in writing to the appointed authority to accept notice of less than 3 months giving reasons therefor.(b)On receipt of a request under clause (a), the appointing authority may consider such request to the curtailment of the period of notice of 3 month merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the Commission may relax the requirement of notice of 3 months on the condition that the employee of the Commission shall not apply for commutation of a part of his pension before the expiry of the period of notice of 3 months.(3)An employee of the Commission who elected to retire under these regulations and have given the necessary intimation to that effect to Commission, shall be precluded from withdrawn his election subsequently except with the special approval of the Commission:Provided that the request for withdrawal shall within the intended date of his retirement.

41. Retirement on completion of 20 years qualifying service.

(1)At any time after an employee, the Commission has completed 20 years qualifying service, he may, be giving notice of not less than 3 months in writing to the Commission, retire from his service;(2)the notice of voluntary retirement given under sub-regulation (1) shall require acceptance by the Commission.Provided that where Commission does not refer to grant permission for retirement before the expiry of the period specified in the said notice the retirement shall become effective from the date of expiry of the said period.(3)(a)An employee of the Commission refer to in

sub-regulation (1), may make a request writing to the Commission to accept notice of voluntary retirement of less than 3 months giving reason therefore.(b)On receipt of a request under clause (a), the Commission subject to the provisions of sub-regulation (2), may consider such request for the curtailment of the period of notice of 3 months on merit and if it is satisfied that the curtailment of period of notice will not cause any administrative inconvenience, the Commission may relax the requirement of notice of 3 months on the condition that the employee of the commission shall not apply for commutation of part of his pension before the expiry period of notice of three months.(4)An employee of the Commission who has elected to retire under this regulation and has given necessary notice to that effect to the Commission shall be precluded from withdrawing his notice accept with the specific approval of the Commission.Provided that the request for withdrawal shall made before the intended date of his retirement.(5)The pension and death-cum-retirement gratuity an employee of the Commission retiring under this regulation shall be based on the emoluments as defined under Regulations 30 and 31 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.(6)This regulation shall not apply to an employee of the Commission who retires under Regulation 26.Note :- (i) If an employee retires under the scheme of voluntary retirement under this regulation while, he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered in accordance with rule 3 of the Khadi and Village Industries Commission (Leave) Rules, 1977.(ii)Before an employee of the Commission gives notice of voluntary retirement under this regulation, he would satisfy himself by means of a reference to the appropriate administrative authority that he has in fact completed 20 years service qualifying for pension.(iii)A notice of voluntary retirement given after completion of twenty years qualifying service will require acceptance by the Commission, if the date of retirement on expiry of the notice would be earlier than the date on which the employee concerned could have retired voluntarily under Regulation 40 of these regulations or under clause (d) of sub-regulation (3) of Regulation 5 of the Khadi and Village Industries Commission Regulations, 1958. Such acceptance may be generally given in all cases except clause (a) in which the disciplinary proceedings are pending or contemplated against the employee of the commission concerned for the imposition of a major penalty and the disciplinary authority having regard to the circumstances of the case, if of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (b) in which prosecution is contemplated or may have been launched in a court of law against the employee of the Commission concerned. The notice of voluntary retirement even in such cases, may be accepted by the Commission, if circumstance of the case so justify. Even where the notice of voluntary retirement given by the employee of the Commission requires acceptance by the commission, the employee of the Commission giving notice may presume acceptance and the retirement shall be effective in terms of the notice, unless the competent authority issues an order to the contrary before the expiry of the period of notice.(iv)The pension will be subject to the provisions Regulations 7 and 8 of these regulations.(v)The scheme of voluntary retirement under in regulation will not apply to those who retire voluntarily under the provisions of Regulation 26.(vi)An employee of the Commission giving notice voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. The period of leave any, extending beyond the date of retirement on expiry of notice, but not extending beyond the date on which the employee of the

Commission should have retired on attaining the age of superannuation, may be allowed as terminal leave as provided under the Khadi and Village Industries Commission (Leave) Rules, 1977.

42. Addition to qualifying service on voluntary retirement.

(1)The qualifying service as on the date of intended retirement of the Commission retiring under Regulation 40 (1) or Regulation 41 or item (iii) of clause (d) of sub-regulation (3) of Regulation 5 of the Khadi and Village Industries Commission Regulation, 1958 with or without permission shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the employees of the Commission does not in any case exceed thirty three years and it does not take him beyond the date of superannuation.(2)The weightage of five years under sub-regulation (1) shall not be admissible in case of these employees of the Commission who are prematurely retired by the Commission in the public interest under regulation 40 (1)(b) or clause (d) of sub-regulation (3) of Regulation 5 of the Khadi and Village Industries Commission Regulation, 1958.

43. Amount of pension.

(1)In the case of an employee of the Commission retiring in accordance with the provisions of these regulations before completing qualifying service of 10 years the amount of service gratuity shall be the appropriate amount as set out below, namely :

Completed six monthly periods of qualifying service	Scale of service gratuity	Months Emoluments
1	2	
1	1-2/12	
2	1	,
3	1-1/2	,
4	2	,
5	2-1/2	,
6	3	,
7	3-1/2	,
8	4	,
9	4-3/8	,
10	4-3/4	,
11	5-1/8	,
12	5-1/2	,
13	5-7/8	,
14	6-1/4	,
15	6-5/8	,
16	7	,

17	7-3/8	,
18	7-3/4	,
19	8-1/8	

(2)(a) In the case of an employee of the Commission retiring in accordance with the provisions of these regulations after completing qualifying service of not less than thirty three years the amount of pension shall be determined as follows, namely:

Average emoluments	Amount of monthly pension
(i) Upto first Rs. 1,000	50% of average emoluments.
(ii) Next Rs. 500/-	45% of average emoluments.
(iii) Balance	40% of average emoluments subject to a maximum of Rs. 4,500 per mensem including relief on pension payable upto to index level 328;

(b) In the case of an employee of the Commission retiring in accordance with the provisions of these regulations before completing qualifying service of 33 years, but after completing qualifying service of 10 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 sixty per mensem; (c) Notwithstanding anything contained in clause (a) and clause (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-regulation (1) of Regulation 49. (3) In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one half year and reckoned as qualifying service. (4) The amount of pension finally determined under clause (a) or clause (b) of sub-regulation (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee. Explanation :- Where the amount of invalid pension calculated with reference to the qualifying years of service and the average emoluments is less than the family pension determined under sub-regulation (1) of Regulation 49, the invalid pension should be enhanced to the level of family pension as illustrated below :

(i) Amount of family pension determined under sub-regulation (1) of Regulation 49 with reference to the emoluments drawn by an employee retired on invalid pension.	Rs. 160/-p.m.
(ii) Amount of original invalid pension i.e. determined with reference to the qualifying year of service and the average emoluments.	Rs. 90/-pm.
(iii) Extra pension allowed to bring the amount of invalid pension at (ii) above to the level of family pension shown at (i) above (i.e. the amount at (i) above minus the amount (ii) above.	Rs. 70/-p.m.
(iv) Total of the amount shown at (ii) and (iii) above which will become payable on retirement on invalid pension.	Rs. 160/-pm.

For the purpose of commutation of pension, the amount of original invalid pension shown at (ii) above will only be taken into account. However, the adhoc relief and the graded relief on pension will be determined on the basis of the amount shown at (iv) above.

44. Death-cum retirement gratuity.

(1)(a) An employee of the Commission who has completed five years qualifying service and has become eligible for service gratuity or pension under Regulation 43 shall on his retirement, be granted death-cum-retirement gratuity equal to one-fourth of his emoluments for each completed 6 months period of qualifying service, subject to a maximum of 16-1/2 times the emoluments. (b) If an employee of the Commission dies while in service after completing five years qualifying service, the amount of death-cum retirement gratuity shall be equal to 12 times of his emoluments or the amount determined under clause (a), whichever is higher and it shall be paid to his family in the manner indicated in sub-regulation (a) of Regulation 45: Provided that the amount of death-cum retirement gratuity payable under this regulation shall, in no case, exceed thirty six thousand rupees. (2) If an employee of the Commission 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 adhoc increase, if any, together with the death-cum-retirement gratuity admissible under sub-regulation (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 gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-regulation (1) of Regulation 45. (3)(a) If an employee of the Commission dies in the first year of qualifying service, a death-cum-retirement gratuity equal to 2 times of his emoluments at the time of his death shall be paid his family in the manner indicated in sub-regulation (1) of regulation 45. (b) If an employee of the Commission dies after completion of one year of qualifying service, but before completing 5 years of qualifying service, the amount of death-cum-retirement gratuity shall be equal to 6 times of his emoluments. (4) The emoluments for the purpose of gratuity admissible under this regulation shall be subject to a maximum of two thousand five hundred rupees per mensem, and shall be reckoned in accordance with Regulation 30. Provided that if the emoluments of an employee of the Commission have been reduced during last ten months of his service otherwise than as a penalty average emoluments as referred to in Regulation 31 shall be treated as emoluments. (5) For the purposes of this regulation and Regulations 45, 47 and 48 'family' in relation to an employee of the Commission means: (i) Wife or wives including judicially separated wife or wives, in the case of a male employee; (ii) Husband including judicially separated husband, in the case of a female employee. (iii) Sons including stepsons and adopted sons, (iv) Unmarried daughters including step daughters and adopted daughters, (v) Widowed daughters including step daughters and adopted daughters, (vi) father/mother including adoptive parents in the case of individual 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 predeceased son. Explanation. - (1) These regulations do not prohibit the grant of family pension/death-cum-retirement gratuity to the family of an employee of the Commission who commits suicide. (2) Determination of Death-cum-retirement gratuity when service records are incomplete: - (i) If the deceased employee had, at the time of death, rendered more than five years qualifying service but less than 24 years qualifying service, and the spell of last five years service has been verified and accepted by the Head of Officer, the amount of death cum-retirement gratuity shall be equal to 12 times of deceased employee's emoluments as indicated in clause (b) of sub-regulation (1) of this Regulation. Where the verified and accepted service is less than five years

of qualifying service, the amount of death-cum-retirement gratuity shall be equal to twice or six times of his emoluments as indicated in clauses (a) and (b) of sub-regulation (3) of this Regulation.(ii)If the deceased employee of the Commission rendered more than 24 years of service and the entire service is not capable of being verified and accepted, but the service for the last 5 years has been verified and accepted under sub-clause (i), the family of the deceased employee of the Commission shall be allowed on provisional basis, the death-cum-retirement gratuity equal to 12 times of the emoluments. Final amount of the gratuity shall be determined on the basis of the entire spell of service which may be verified and accepted by the head of office within a period of 6 months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of final amount of death-cum-retirement gratuity shall then be authorised to the beneficiary or beneficiaries.

45. Persons to whom gratuity is payable.

(1)(a)The gratuity payable under Regulation 44 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Regulation 48.(b)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-regulation (5) of Regulation 44, to all such members in equal shares;(ii)if there are no such surviving members of the family as in clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix) and (xi) of sub-regulation (5) of Regulation 44 to all such members in equal shares : (2)If an employee dies after retirement without receiving the gratuity admissible under sub-regulation (1) of Regulation 44, the gratuity shall be disbursed to the family in the manner indicated under sub-regulation (1).(3)The right of a female member of the family, or that of a brother, of an employee who dies while in service, or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries, or the brother attains the age of 18 years, after the death of the employee of the Commission and before receiving her or his share of the gratuity.(4)Where gratuity is granted under Regulation 44 to a minor member of the family of the deceased employee of the Commission, it shall be payable to the guardian on behalf of the minor.

46. Debarring a person from receiving gratuity.

(1)If a person, who in the event of death of an employee of the Commission while in service is eligible to receive gratuity in terms of Regulation 45, is charged with the offence of murdering the employee of the Commission or for abetting in the commission of such an offence, his claim to receive his share of a gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.(2)If on the conclusion of the criminal proceedings referred to in sub-regulation (1), the person concerned-(a)is convicted for the murder or abetting in the murder of the employee 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 employee, his share of gratuity shall be payable to him.(3)The provisions of sub-regulation (1) and sub-regulation (2) shall also apply to the undisbursed gratuity referred to in sub-regulation (2) of Regulation 45.

47. Lapse of death-cum-retirement gratuity.

- Where an employee dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family, and (a) has made no nomination, or (b) The nomination made by him does not submit, the amount of death-cum-retirement gratuity payable in respect of such employee under Regulation 44 shall lapse to the Commission.

48. Nominations.

(1) An employee of the Commission shall on satisfactory completion of trial or probationary period, as the case may be, make nomination in Form 1 or 2 as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under Regulation 44. Provided that if at the time of making the nomination—(i) the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family; or (ii) the employee 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 the employee nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity. (3) The employee may provide in the nomination—(i) That in respect of any specified nominee who pre-deceases the employee of the Commission or who dies after the death of the Commission's employee 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 employee has a family consisting of more than one member, the person specified shall not be a person other than a member of his family : Provided further that where an employee has only one member in his family, and a nomination has been made in his favour, it is open to the employee to nominate alternative nominee or nominees in favour of any person or a body of individuals, whether incorporated or not; (ii) that the nominations shall become invalid in the event of the happening of the contingency provided therein. (4) The nomination made by an employee who has no family at the time of making it, or the nomination made by an employee under second proviso to clause (i) of sub-regulation (3) where he has only one member in his family, shall become invalid in the event of the Commission's employee subsequently acquiring a family, or an additional member in the family, as the case may be. (5) The employee may, at any time, cancel a nomination by sending a notice in writing to the Head of Office : Provided that he shall, along with such notice, send a fresh nomination made in accordance with this regulation. (6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) or sub-regulation (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of that sub-regulation, the employee shall send to the Head of Office a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this regulation. (7) (a) Every nomination made (including every notice of cancellation, if any, given by) an employee, under this regulation, shall be sent to the Head of Office. (b) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody. (c) Suitable entry regarding receipt of nomination shall be made in the service book of the employee concerned. (8) Every nomination made, and every notice of cancellation given, by an

employee shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.

49. Family pension.

(1) Where an employee of the Commission dies—(a) after completion of one year of continuous service if the deceased employee concerned immediately prior to his appointment to the post was examined by the appropriate medical authority and declared fit by that authority for service under the Commission ; or (b) after retirement from service and was on the date of death in receipt of a pension or compassionate allowance, referred to in Chapter-V other than the pension referred to in Regulation 34. The family of the deceased shall be entitled to family pension, the amount of which shall be determined in accordance with the table below :

Pay to the employee	Amount of monthly family pension
(i) Below Rs. 400.	30% of pay subject to a minimum of Rs. 60/- and a maximum of Rs. 100/-
(ii) Rs. 400 and above but Rs. 1200.	15% of pay subject to a minimum below of Rs. 100/- and maximum of Rs. 160/-.
(iii) Rs. 1200 and above	12% of pay subject to a minimum of Rs. 160/- and maximum of Rs. 250/-

Explanation : The expression continuous one year service wherever it occurs in this regulations shall construed to include "less than one year of continuous service" as defined in clause (b). (2) The amount of family pension shall be fixed of monthly rates and be expressed in whole rupees paid where the family pension contains a fraction of rupee, it shall be rounded off to next higher rupee. Provided that in no case a family pension in excess of the maximum prescribed under this regulation shall be allowed. (3) (a) (i) Where an employee, who dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-regulation (1), whichever is less, and the amount so admissible shall be payable from the date following the date of death of employee for a period of seven years, or for a period upto the date on which the deceased employee would have attained the age of 65 years had he survived whichever is less. (ii) In the event of death of an employee after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period upto the date on which the retired deceased employee would have attained the age of sixty five years had he survived, whichever is less; Provided that in no case the amount of family pension determined under sub-regulation (ii) of this clause shall exceed the pension authorised on retirement from the Commission service : Provided further that where the amount of pension authorised on retirement is less than the amount of family pension admissible under sub-regulation (1), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-regulation (1). Explanation : For the purpose of this sub-clause pension authorised on retirement includes the part the pension which the retired employee may have camuted before death. (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-regulation (1).(4)The period for which the family pension is payable shall be as follows :-(i)In case of a widow or widower, upto date of death or remarriage, whichever is earlier;(ii)in the case of a son, until he attains the age of 21 years; and(iii)in the case of an unmarried daughter, until she attains the age of 24 years or until she gets married, whichever is earlier :Provided that if the son or daughter of an employee of the Commission is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 21 years in the case of the son and 24 years 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 employee, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-regulation (6) of this regulation until the last minor child attains the age of 21 or 24 or as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind 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 or who are physically crippled or disabled, the family pension shall be paid in the following order, namely :(a)firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the life time of the elder;(b)secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life time of the elder;(iii)the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;(iv)before allowing the family pension for life to such son or daughter, the Commission shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a nominated medical authority setting out 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 nominated medical authority to the effect that he or she continues to suffer from Disorder, or disability of mind or continue to be physically crippled or disabled.Explanation :(a)Only that disability which manifests itself before the retirement or death of the employee while in service shall be taken into account for the purpose of grant of family pension under this sub-regulation.(b)A daughter shall become ineligible for family pension under this sub-regulation from the date she gets married.(c)The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.(d)In such cases, it shall be the duty of the guardian to furnish a certificate to the Chief Accounts Officer every month, that (i) he or she has not started earning his/her livelihood (ii) in case of daughter, that she has not yet married.(5)(a)(i)Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.(ii)On the death of a 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 the family pension shall cease to be payable.(b)Where the deceased employee 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 employee or pensioner.(6)(i)Except as provided in sub-regulation (5), the family pension shall not be payable to more than one member of the family at the same time :(ii)If a deceased employee 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)If some and unmarried daughters are alive,

unmarried daughters shall not be eligible for family pension unless the son attains the age of 21 years and thereby become ineligible for the grant of family pension.(7)Where a deceased employee or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-regulation (4) as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.(8)Where family pension is granted under this regulation to a minor, it shall be payable to the guardian on behalf of the minor.(9)In case, both wife and husband are employee of the Commission and are governed by the provisions of this regulation 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 the wife, the surviving or children shall be granted the two family pension in respect of the deceased parents, subject to limit specified below, namely;(a)(i)If the surviving child or children is or eligible to draw two family pensions at rate mentioned in sub-regulation (3), amount of both the pensions shall be limited to five hundred rupees per month.(ii)If one of the family pensions ceases to be payable at the rates mentioned in sub-section (3), and in view thereof the pension at the rate mentioned in sub-regulation becomes payable, the amount of both pensions, shall also be limited to five hundred rupees per month.(b)If both the family pensions are payable at the rate mentioned in sub-regulation the amount of two pensions shall be limited to two hundred and fifty rupees per month.(10)Where a female employee or male employee dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the employee takes 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)(a)Where a female employee or male employee dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.(b)Where a 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.(12)(a)If a person, who in the event of death of an employee while in service, is eligible to receive family pension under this regulation, is charged with the offence of murdering the employee 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 the murder or abetting in the murder of the employee of the Commission, 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 death of the employee of the Commission.(ii)is acquitted of the charge of murder or abetting in the murder of the employee of the Commission the family pension, shall be payable to such a person from the date of death of the employee.(a)The provision of clause (a) and clause (b) shall also apply for the family pension becoming payable on the death of an employee of the Commission after his retirement.(13)(a)(i)As soon as an employee enters Commission's service, he shall give details of his family in Form 3 to the Head of Office.(ii)If the employee has no family, he shall furnish details in Form 3 as soon as he acquires a family.(b)The employee shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his female

child.(c)(i)The Head of Office shall, on receipt of the said Form 3, get it pasted on the service book of the employee concerned and acknowledge receipt of the said Form 3 and all further communication received from the employee in this behalf.(ii)The Head of office on receipt of communication form the employee regarding any change in the size of the family shall have such a change incorporated in Form 3.(14)The adhoc increase in pension, sanctioned from time to time, shall not payable to the family in respect of family pension under this regulation.(15)For the purpose of this regulation(a)'Continuous service' means service rendered in a temporary or permanent capacity in a pensionable Establishment of the Commission and does not include(i)Period of suspension, if any, and(ii)Period of service, if any rendered, before attaining the age of 18 years;(b)"Family" in relation to an employee of the Commission.(i)Wife in case of a male employee, or husband in case of a female employee, provided the marriage took place before retirement of the employee.(ii)a judicially separated wife or husband such separation not being granted on the ground of adultery, provided the marriage took place before the retirement of the employee, and the person surviving was not held guilty of committing adultery.(iii)son who has not attained the age of twenty one years and unmarried daughter who has no attained in the age of twenty four years, and including such son and daughter adopted legally before retirement but shall not include son or daughter born after the retirement.(c)"Pay" means(i)the emoluments as specified in Regulation 30, or,(ii)the average emoluments as referred to in regulation 31 of the emoluments of the deceased employee of the commission have been reduced during the last 10 months of his service otherwise than as penalty;Provided that the element of dearness allowance which has been treated as dearness pay by the commission shall not be treated as pay for the purpose of this regulation.

Chapter VII

Determination And Authorisation Of The Amounts Of Pension And Gratuity

50. Preparation of list of employees due for retirement.

(1)Every Head of office shall have a list prepared every six months i.e. on the 1st January and the 1st July each year of all employees who are due to retire within the next 24 to 30 months of that date.(2)A copy of every such list shall be supplied to the Director (administration) not later than 31st January or 31st July, as the case may be, of that year.(3)In the case of employees retiring for reasons other than by way of superannuation the Head of Office shall promptly inform the Director (Administration) as soon as the fact of such retirement becomes known to him.(4)A copy of the intimation sent by the Head of Office to Director (Administration) under sub-regulation (3) shall also be endorsed to the concerned Estate Officer, if the employee of the Commission is an allottee of commission's Accommodation.

51. Intimation to the Estate Officer regarding issue of "No Demand Certificate".

(1)The Head of Office shall write to the Estate Officer concerned at least 2 years before the

anticipated date of retirement of the Employee who is in occupation of Commission's accommodation (hereinafter referred to as allottee) for the issue of a "No Demand Certificate" in respect of the period preceding a months of the retirement of the allottee.(2)On receipt of the intimation under sub-regulation (1), the Estate Officer shall take further action as provided in Regulation 66.

52. Preparation of Pension Papers.

- Every Head of Office shall undertake the work of preparation of pension papers in Form '5' two years before the date on which the employee is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement whichever is earlier.

53. Stages for completion of pension papers.

(1)The Head of Office shall divide the period of preparatory work of two years referred to in Regulation 52 in the following three stages;(a)First stage-Verification of service - (1) The Head of Office shall go through the service book of the employee and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.(ii)In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case maybe, with reference to pay bills, acquittance rools or other relevant records and record necessary certificates in the service book.(iii)If the service for any period is not capable of being verified in the mariner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the employee in another office or department, a reference shall be made to the Head of Office in which the employee is shown to have served during that period for the purpose of verification.(iv)If any portion of service rendered by the employee of the Commission is not capable of being verified in the manner specified in sub-clause (i) or sub-clause (ii) or sub-clause (iii), the employee shall be asked to file a written statement on plain paper stating that he had in fact rendered that period of service, and shall at the foot of the statement make and subscribe to a declaration as to the truth of that 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.(v)The Head of Office, shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that employee of the Commission in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that employee.(b)Second State - Making good omission in the Service Book. - (i) The Head of office while scrutinising the certificate of verification of service, shall also identify if there are any other omissions, imperfectiuons or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.(ii)Every efforts shall be made to complete verification of service, as in class to make good omission, imperfect deficiencies referred to in sub-clause (i) this clause. Any omissions, imperfec or deficiencies including the portion of vice shown an unverified in the service be which it has not been possible to verify accordance with the procedure laid in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the Service Book.(iii)Calculation of average emoluments. - For the purpose of calculation of average emoluments, the Head of office shall verify from the service book the correctness of the emoluments

drawn or to be drawn during the last ten months of service. In order to ensure that the emoluments during the last ten months of service, have been correctly shown in the service book the Head of Office may verify the correctness of emolument for the period of twenty four months only preceding the date of retirement of an employee of the commission and not for any period prior to that date.(c)Third Stage - Obtaining from '4' by the Head Office:- 8 months prior to the date of retirement of the employee of the Commission the Head of Office shall obtained from 4 from the employee, duly completed.(2)Action under clauses (a), (b) and (c) of sub regulation (i) shall be completed 8 months prior to the date of retirement of the employee of the Commission.

54. Completion of pension papers.

- The Head Office shall complete Part 1 of Form 5 not later 6 months before the date of retirement of the employee of the Commission.

55. Forwarding of pension papers to Director (Administration).

(1)After complying with the requirements of Regulations 53 and 54 the Head of Office shall forward to the Director (Administration) Form 4 and Form 5 duly completed with a covering letter in form 6 along with Service book of the employee of the Commission duly completed, upto date, and any other documents relied upon for the verification each service.(2)The Head of Office shall retain a copy of each of the Form referred to in sub-regulation (1) for last records.(3)The papers referred to in sub-regulation (1) shall be forwarded to the Director (Administration) not later than 6 months before the date of retirement of the employee of the Commission.

56. Intimation to Director (Administration) regarding any event having bearing on pension.

- If after the pension papers have been forwarded to the Director for (Administration) within the period specified in sub-regulation (3) of Regulation 55, any event occurring which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Director (Administration) by the Head of Office.

57. Intimation of particulars of Commission's dues to the Director (Administration).

(1)The Head of office after ascertaining and assessing the Commission lies as in Regulation 65, shall furnish the particular thereof to the Director (Administration) at least ten months before the date of retirement of the employee of the Commission so that the dues are referred out of the gratuity before its payment is authorised.(2)If, after the particulars of Commission's dues have been intimated to the Director (Administration) under sub-regulation (1), any additional Commission's dues come to the notice of the Head of office, such dues shall be promptly reported to the Director (Administration).

58. Provisional Pension.

(1) The various stages the action laid down in Regulation 53 shall be strictly followed by the Head of Office. There may be an illustrated case where in spite of following the procedure down in regulation 53, it may not be possible for the Head of office to forward the pension papers forwarded to in regulation 55 to the Director (Administration) within the period prescribed in sub-regulation (3) of that regulation or where the pension papers have been forwarded to the Director (Administration) within the prescribed period, but the Director (Administration) may have returned the pension papers to the Head of Office for eliciting further information before the issue of pension payment order and order of the payment of gratuity. If the Head of Office is of the opinion that the employee of the Commission is likely to retire before his pension and gratuity or both can be finally assessed and settled in accordance with the provisions of these regulations, shall, without delay, take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose, he shall-(i) rely upon such information as may be available in the official records; and (ii) ask the retiring employee to file a written statement on plain paper stating the total length of qualifying service including details of emoluments drawn during the last 10 months of service but excluding the breaks and other non-qualifying period of service. (2) The employee while furnishing the statement in clause (ii) of sub-regulation (1) shall, at the foot, the statement make and subscribe to a declaration to the truth of the statement. (3) The Head of Office shall thereafter determine qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring employee under sub-regulation (1). He shall then determine the amount of provisional pension and the amount of provisional death-cum-retirement gratuity. (4) After the amount of pension and gratuity have been determined under sub-regulation (3)-(a) The Head of office shall intimate the amount of provisional pension and amount of provisional Death-cum-Retirement Gratuity to the Director (Administration) for issue of a sanction letter to the employee of the Commission endorsing a copy thereof to the Accounts Officer authorising-(i) 100 per cent of pension as determined under sub-regulation (3) as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the employee; and (ii) 100 per cent of the gratuity as provisional gratuity as determined under sub-regulation (3) withholding 10 per cent of gratuity or Rs. 1,000 whichever is less. (b) The Director (Administration) shall indicate in the sanction letter the amount recoverable from the gratuity under sub-regulation (1) of Regulation 57. After issue of the sanction letter Chief Accounts Officer shall draw (i) amount of provisional pension, and (ii) the amount of provisional gratuity after deducting therefrom the amount mentioned in sub-clause (ii) of clause (a) and the dues, if any, mentioned in Regulation 65; (5) The amount of provisional pension and gratuity payable under sub-regulation (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records. (6) (a) The payment provisional pension shall not continue beyond a period of 6 months from the date of retirement of the employee of the Commission if the amount of final pension and the amount of final gratuity have been determined by Director (Administration) before the expiry of the said period of 6 months the Director (Administration) shall-(i) issue the pension payment order, (ii) advise the Chief Accounts Officer to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of clause (b) of sub-regulation (4), after adjusting the commission's dues if any, which may have come to notice

after the payment of provisional gratuity.(b)If the amount of provisional pension disbursed to an employee of the Commission under sub-regulation (4) is, on its final assessment, found to be in excess of the final pension assessed by the Director (Administration), it shall be open to the Director (Administration), it shall be open to the Director (Administration) to adjust the excess amount of pension out of the gratuity withheld under sub-clause (ii) of clause (a) of sub-regulation (4) or recover the excess amount or pension in instalments by making short payments of the pension payable in future.(c)(i)If the amount of provisional gratuity disbursed under sub-regulation (4) is larger than the amount finally assessed, the retired employee shall not be required to refund the excess amount actually disbursed to him.(ii)The Head of Office shall ensure that the chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimised and the official responsible for the excess payable shall be accountable for the overpayment.(7)If the final amount of pension and gratuity have not been determined within a period of 6 months referred to in clause (a) of sub-regulation (6), the provisional pension and gratuity shall be treated as final and Director (Administration) shall issue pension payment order immediately on expiry of the period of 6 months, with the approval of the Chief Executive Officer.(8)As soon as the pension payment order has been issued by the Director(Administration)under clause (a) of the sub-regulation (6) or sub-regulation (7) the Director (Administration) shall take steps to refund the amount of withheld gratuity tinder sub-clause (ii) of clause (a) of sub-regulation (4) to the retired employee after adjusting the Commission's dues which may have come to notice after payment of provisional gratuity under sub-clause (ii) of clause (b) of sub-regulation (4). If the employee was an allottee of Commission's accommodation, the withheld amount should be refunded on receipt of 'No Demand Certificate' from the Estate Officer concerned.Note. - (i) The issue of last pay certificate should not be insisted upon before the payment of provisional pension. During the period of 6 months after retirement, which has been provided for various purposes above, it should be possible for the Head of office or other office concerned to issue the Last Pay Certificate to the employee. In cases in which the last pay certificate has not been issued by the time formal pension/gratuity payment orders are received (whether this happens prior to the retirement of the employee or after his retirement and after the grant of a provisional pension) the gratuity payment order will in any case include a provision from the withholding 10% of the gratuity or Rs. 1,000/-, whichever is less, pending the production of the last pay certificate.Note. - (2) In respect of other Commission's dues steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up two years prior to the retirement date. As the next stage of the actual preparation of pension papers is reached only after a year and four months, there is ample time for ascertaining all kinds of Commission's dues. Once that stage is reached, i.e. 8 months before the retirement of the employee, any further probing of records for recoveries due shall cover only a limited period i.e. not more than 2 years before the date of retirement. It should thus be quite possible for the Head of Office, to ascertain or assess all the dues, particularly those pertaining to a long term advances such as house building or conveyance advances, over payment of pay and allowances, and such other dues, prior to the prescribed deadline for the issue of pension Payment/gratuity payment orders or the provisional pension/gratuity order. The pension papers should clearly indicate the total amount outstanding which should be recovered out of the death cum-retirement gratuity before authority for the payment of gratuity (whether final or provisional) issued, and if, after the pension papers have been transmitted to the Director (Administration) for issuing the Pension Payment Order, additional recoveries to be made from the gratuity come to notice, the fact shall be promptly reported to the

Director (Administration). In a case where no major recoveries are due, but 10% of the gratuity of Rs. 1,000/- has been withheld because there might be unassessed Commission's dues or because the gratuity has been provisionally paid or because last pay certificate has not been received, the withheld amount shall become payable on the expiry of 6 months after retirement as provided for in sub-regulation (7).

59. Authorisation of pension and gratuity by the Director (Administration).

(1) On receipt of the pension papers referred to in Regulation 55, the Director (Administration) shall apply, the requisite checks, record the account encasement in Part II of Form 5 and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the employee. (2) The amount of gratuity as determined by Director (Administration) under sub-regulation (1) shall be intimated to the Chief Accounts Officer with the remarks that the amount of gratuity may be drawn and disbursed by him to the retired employee after adjusting the Commission's dues, if any, referred to in Regulation 65. (3) The amount of gratuity withheld under sub-regulation (5) of Regulation 66 shall be adjusted by the Chief Accounts Officer against the outstanding licence fee intimated by the Estate Officer concerned and the balance, if any, refunded to the retired employee of the Commission.

60. Payment of provisional pension and gratuity through money order.

- If the provisional pension or gratuity or both sanctioned under sub-regulation (4) of Regulation 58 is desired to be paid by the pensioner through money order or bank draft, the same shall be remitted to him through money order or Bank draft at his cost; Provided that in the case of any pensioner who have been authorised payment of provisional pension not exceeding two hundred and fifteen rupees per mensem (exclusive of amount of relief on pension) that amount or amount upto such limit as may here-after be fixed by the Commission from time to time shall, at the request of the pensioner be remitted to him by money order at Commission's expense.

61. Employees on deputation.

- In the case of an employee of the Commission who retires from service, while on deputation to foreign service, action to authorise pension and gratuity in accordance with the provisions of this chapter shall be taken by the Director (Administration). Note. - Acceptance of evidence regarding payment of pension contribution. - (a) There are some cases in which, in accordance with the term of deputation foreign service', it is the responsibility and liability of the employee himself to maintain the continuity of pensionable service by the payment of pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made, before the period of foreign service is reckoned as qualifying service. However, the employee is sometimes put to considerable difficulty because of defective incomplete record maintenance by the administrative offices. In such cases, while he could be reasonably asked to show that he had indeed made the contributions, the administrative authority should show a spirit of reasonableness and accommodation in evaluating and accepting such evidence as he is able to put forward, and not insist rigidly on formal proof with reference to service or accounts records for the maintenance of

which the employee is not responsible.(b)Where, however, the responsibility for making pension contributions is that of the borrowing organisation and where either some of the contribution have not been recovered or the records in respect of the recoveries of such contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action, this should have no bearing on the processing and finalisation of pension papers.

62. Interest on delayed payment of gratuity.

(1)If the payment of gratuity has been authorised after three months from the date when its payment became due, and it is clearly established that the delay in payment was attributable to the administrative lapse, interest at the rate of five per cent per anum (or at the rate that may be fixed from time to time by the Central Government for their employees) on the amount of gratuity in respect of the period beyond three months shall be paid;Provided that the delay in the payment was not issued on account of failure on the part of the employee to comply with the procedure laid down this chapter.(2)Every case of delayed payment of gratuity shall, suo mote, be considered by the Chief Executive Officer and where the Chief Executive Officer is satisfied that the delay in payment of gratuity was issued on account of administrative lapse, the Chief Executive Officer shall pass orders for the payment of interest.(3)In all cases where payment of interest has been authorised, the Chief Executive Officer shall fix the responsibility and take disciplinary action against employee or employees concerned who are found responsible for the delay in the payment of gratuity.(4)If a result of Commission's decision taken subsequent to the retirement of a employee, the amount of gratuity already paid on his retirement is commenced on account of :(a)grant of emoluments higher than the emoluments on which gratuity, already paid, was determined, or(b)liberalisation in the provisions of these regulations from a date prior to the date of retirement of the employee concerned no interest on the arrears of gratuity shall be paid.Explanation - Where disciplinary or judicial proceedings against an employee are pending on the date of his retirement, no gratuity is payable until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the competent authority.However, in the case of employees who, on the conclusion of the proceedings, are fully exonerated, the interest on delayed payment of death-cum-retirement gratuity may be allowed in accordance with these instructions. In such cases, the gratuity will be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest on delayed payment of gratuity. The benefit of this explanation will, however, not be available to such of the employee who die during the pendency of judicial/disciplinary proceedings against them and against whom proceedings are consequently dropped.

63. Provisional pension where departmental or judicial proceedings may be pending.

(1)(a)In respect of an employee referred to in sub-regulation (4) of Regulation 8, the Director (Administration) shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the

employee, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension.(b)The provisional pension shall be authorised by the Director (Administration) during the period commencing from the date of retirement upto an including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.(c)No gratuity shall be paid to the employee until the conclusion of the departmental/judicial proceedings and issue of final orders thereon : Provided that where departmental proceedings have been instituted under Regulation 27 of the Khadi and Village Industries Commission Employees' (Conduct, Discipline and Appeal) Regulations, 1961 for imposing any of the penalties specified in clauses (a) and (b) of regulation 21 of the said Regulations, the payment of gratuity shall be authorised to be paid to the employee.(2)Payment of provisional pension made under sub-regulation (1) shall be adjusted against final retirement benefits sanctioned to such employees 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.

64. Revision of Pension after authorisation.

(1)Subject to provisions of Regulations 7 and 8 pension once authorised after final assessment shall not be revised to the dis-advantage of the employee of the Commission unless such revision becomes necessary on account of detection of a clerical error subsequently;Provided that no revision of pension to the dis-advantage of the pensioner shall be ordered by the Director (Administration) without the concurrence of the Chairman if the clerical error is detected after a period of 2 years from the date of authorisation of pension.(2)For the purpose of sub-regulation (1), the entitled employee concerned shall be served with a notice by the Director (Administration) requiring him to refund the excess payment of pension within a period of 2 months from the date of receipt of notice by him.(3)In case the employee fails to comply with the notice, Director (Administration) shall, by an order in writing, direct that such excess payment shall be adjusted in instalments by short payments of pension in future, in one or more instalments as the Director (Administration) may direct.

65. Recovery and adjustment of Commission's dues.

(1)It shall be the duty of the Head of Office to ascertain and assess the Commission's dues payable by an employee of the Commission due for retirement.(2)The Commission's dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the employee, shall be adjusted against the amount of the death-cum-retirement gratuity becoming payable.(3)The expression "Commission's dues" includes (a) dues pertaining to Commission's accommodation including arrears of licence free, if any;(b)dues other than those pertaining to Commission's accommodation, namely balance of house building or conveyance or any other advance, over payment of pay and allowances or leave salary and arrears of income-tax deductible at source under the income-tax Act, 1961 (43 of 1961).

66. Adjustment and recovery of dues pertaining to Commission's accommodation.

(1) The Estate Officer concerned on receipt of intimation from the Head of Office under sub-regulation (i) of Regulation 51 regarding the issue of No Demand Certificate shall scrutinise its records and inform the Head of Office eight months before the date of retirement of the allottee, if any licence fee was recoverable from him in respect of the period prior to 8 months of his retirement. If no intimation in regard to recovery or outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period proceeding 8 months of his retirement. (2) The Head of Office shall ensure that licence fee for the next 8 months, that is upto the date of retirement of the allottee is recovered every months from the pay and allowance of the allottee. (3) Where the Estate Officer concerned intimated the amount of licence fee recoverable in respect of the period mentioned in sub-regulation (1), the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances. the balance shall be recovered out of the gratuity before its payment is authorised. (4) The Estate Officer concerned shall also inform the Head of Office, the amount of licence fee for the retention of Commission's accommodation for the permissible period of two months or the permissible period as may be prescribed by the Commission beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of gratuity together with the unrecovered licence fee, if any, mentioned in sub-regulation (3). (5) If in any particular case, it is not possible for the Estate Officer concerned to determine the outstanding licence fee, the Estate Officer shall inform the Head of Office that ten per cent of the gratuity or one thousand rupees, whichever is less may be withheld pending receipt of further information. (6) The recovery of licence fee for the occupation of the Commission's accommodation beyond the permissible period of two months (or the period as may be fixed by the Commission from time to time) after the date of retirement of the allottee shall be the responsibility of the concerned Head of Office. Note : For the purpose of this regulation the licence fee shall also include any other charges payable by the allottee for any damage caused by him to the accommodation or its fittings.

67. Adjustment and recovery of dues other than dues pertaining to Commission's accommodation.

(1) For the dues other than the dues pertaining to occupation of Commission's accommodation as referred to in clause (b) of sub-regulation (3) of Regulation 65, the head of office shall take steps to assess the dues two years before the date on which an employee of the commission is due to retire on superannuation; or on the date on which he proceeds on leave preparatory to retirement. whichever is earlier. (2) The assessment of Commission's dues referred to in sub-regulation (1) shall be completed by the Head of office 8 months prior to the date of the retirement of the employee. (3) The dues as assessed under sub-regulation (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the employee shall be adjusted against the amount of the death-sum-retirement gratuity becoming payable to the

employee on his retirement.Explanation :- (1) The arrears of water and electricity are dues of Municipal Committees etc. which are local bodies and are, therefore, not Commission's dues, Similarly any dues to Co-operative Societies cannot be treated as dues to Commission. the recovery of such dues can be made from the death-cum-retirement gratuity.(2)Family pension is like any other pension and recoveries of the dues whether those of the Commission or otherwise are not permissible from it without obtaining the consent of the pensioner.(3)In case, a prematurely retired employee gives declaration to his disbursing officer for recovery outstanding dues of the Co-operative Societies on his death-cum-retirement gratuity payable to him under these regulations, the same maybe deducted in cash from the death-cum-retirement gratuity of the official and remitted to the society.(4)The Pensioner's relief is not covered by the pension Act and, therefore, there may be no objection to the recovery of Commission's dues from the pensioner's relief without the consent of the Pensioner.

68. Date of retirement to be notified.

- When employee of the Commission retires from service, an order shall be issued by the Head of Office specifying the date of retirement within a week of such date and a copy of every such order shall be forwarded immediately to the Director (Administration) and the Chief Accounts officer.Provided that where in order regarding grant of save preparatory to retirement to an employee is sued, a further order that the Commission's employee has 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.

Chapter VIII

Determination And Authorisation Of The Amount Of Family Pension And Death-Cum-Retirement Gratuity In Respect Of Employees Of The Commission Dying While In Service.

69. Obtaining of claims for family pension and death-cum-retirement gratuity.

(1)Where the Head of office has received an intimation about the death of employee 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 employee.(2)(a)Where the family of the deceased employee eligible for the death-cum-retirement gatuity under Regulation 44, the Head of office shall ascertain.(i)If the deceased employee had nominated any person or persons to receive the gratuity; and(ii)If the deceased employee had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity maybe payable.(b)The Head of Office shall, then address the person concerned in Form 7 or Form 8, as may be appropriate, for making a claim in Form 9.(3)Where the family of the deceased employee is eligible under Regulation 49 for family pension-(a)the Head of office shall address the widow or widower in Form 10 for making a claim in FORM 11 and(b)Where the deceased employee is survived only by a child or children the guardian of such child or children may submit a claim in Form 11 to the Head of office :Provided that the

guardian shall not be required to submit a claim in the said Form on behalf of a child if the child has attained the age of 18 years and such child may himself or himself or herself submit a claim in the said Form.(4)If on the date of death, the employee was an allottee of Commission's accommodation, the Head of office shall address the concerned Estate Officer for issue of 'No Demand Certificate in accordance with the provisions of sub-regulation (1) of Regulation 75.

70. Completion of Form 12.

(1)(a)The Head of office while taking action to obtain claim or claims from the family in accordance with the provisions of Regulation 69 shall, simultaneously undertake the completion of Form 12. The work shall be completed within one months of the date on which intimation regarding the date of death of the employee has been received.(b)The Head of Office shall go through the service book of the deceased employee of satisfy himself as to whether the certificates of verification of service for the entire service are recorded therein.(c)If there are any periods of unverified service, the Head of office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this purpose, the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that the service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.(2)(a)For the purpose of determination of emoluments for family pension and death-cum-retirement gratuity, the Head of Office shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death of the employee.(b)In case the employee was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew proceeding the date of the commencement of the extra-ordinary leave shall be verified.(3)The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the employee and the amount of family pension and death-cum-retirement gratuity shall also be calculated accordingly.

71. Determination of the amount of family pension and gratuity where service records are incomplete.

- If in any particular case, the service book has not been maintained properly despite the orders on the subject, and it is not possible for the Head of office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of office shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be confined to the following spells of service :(a)For the purpose of family pension :(i)If the deceased employee on the date of death had rendered more than one year of service, but less than seven years of service, and emoluments for the last year of service shall be verified and accepted by the Head of office and the amount of Family Pension determined under sub-regulation (1) and sub-regulation (2) of Regulation 49.(ii)If the deceased employee on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of family pension and the period for which it is payable shall be determined in accordance with the provisions of sub-regulation (3) of Regulation 49.(iii)If the deceased employee at the time of death had rendered

more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provisions of sub-regulation (1) and sub-regulation (2) of Regulation 49.(iv)The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of sub-regulation (3) of Regulation 49.(v)The determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of the employee.(b)For the purpose of death-cum-retirement gratuity:(i)If the deceased employee had, on the date of his death rendered more than five years of qualifying service but less than twenty four years of qualifying service, and the spell of Last five years service has been verified and accepted by the head of office under clause (a) the amount of death-cum-retirement gratuity shall be equal to 12 times of his emoluments as indicated in clause (b) of sub-regulation (1) of Regulation 44. Where the verified and accepted service is less than 5 years of qualifying service, the amount of death-cum-retirement gratuity shall be the amount as indicated in sub-regulation (3) of Regulation 44.(ii)If the deceased employee had rendered more than twenty four years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (i), the family of the deceased employee shall be allowed, on provisional basis, the death-cum-retirement gratuity equal to 12 times of the emoluments. Final amount of the gratuity shall be determined by Director (Administration) on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of 6 months from the date of which the authority' for the payment of provisional gratuity was issued.The balance, if any, becoming payable as a result of determination of the final amount of death-cum-retirement gratuity shall then be authorised to the beneficiaries.

72. Forwarding the papers to the Director (Administration).

(1)On receipt of claim or claims, the Head of Office shall complete items 20 to 23 of Form 12 and send the said Form in original to the Director (Administration) with a covering letter in Form 13 alongwith the employee's service book duly completed upto date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.(2)The Head of Office shall retain one copy of the aforesaid Form 12 for his office record.(3)The Head of office shall draw the attention of the Director (Administration) to the details of Commission's dues outstanding against the deceased employee, namely:(a)Commission's dues as ascertained and assessed in terms of Regulation 75 and recoverable out of the gratuity before payment is authorised.(b)Amount of gratuity to be held over partly for adjustment of Commission's dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity.(c)The maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to 10 per cent of the amount of gratuity or rupees one thousand, whichever is less.(4)(a)If Form 12 has been completed and the claim or claims in the respective Forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward Form 12 and the documents referred to in

sub-regulation (1) to the Director (Administration) leaving unfilled items 20, 21, 22, and 23 of Part-I of the said Form.(b)As soon as the claim or claims are received by Head of Office, they shall immediately be forwarded to the Director (Administration) with the request that items 20,21,22 and 23 of Part-I of Form 2 may be filled in by the Director (Administration).

73. Sanction, drawal and disbursement of provisional family pension and gratuity.

(1)After receipt the documents referred to in Regulation 72 by the Direction (Administration), he shall take necessary steps to draw provisional family pension not exceeding the maximum family pension and hundred per cent of the gratuity as determined in accordance with the provisions of this chapter. For this purpose Director (Administration) and Chief Accounts Officer shall adopt the following procedure namely:(a)The Director (Administration) shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Chief Accounts Officer indicating the amount of provisional family pension and hundred per cent of the gratuity as determined.(b)He shall indicate in the sanction letter the amount recoverable out of gratuity under sub-regulation (3) of Regulation 72.(c)after Issue of the sanction letter Chief Accounts Officer shall draw-(i)the amount of the Provisional family pension and(ii)the amount of hundred per cent of the gratuity after deducting therefrom the dues mentioned in clause (b).(2)The Chief Accounts Officer shall disburse the provisional family pension including arrears if any) and the gratuity immediately after the same have been drawn under sub-regulation (1).(3)The Payment of provisional family pension shall continue for a period of 6 months from the date following the date of death of the employee unless the period is extended by the Director (Administration) under the provision to sub-regulation (1) of Regulation 74.(4)The Chief Accounts Officer shall inform the Director (Administration).(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 six months or for the period extended under proviso to sub-regulation (1) of Regulation 74 as the case may be.(5)If the claimant or any of the claimants desire 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 or her through money order or bank draft at his own cost.Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding Rs. 215/- (exclusive of relief on family pension) per mensem the amount of pension, shall at the request of the claimant, he remitted to him or her by money order at Commission's expense.

74. Authorisation of final pension and balance of the gratuity by the Director (Administration).

(1)On receipt of the documents referred to in sub-regulation (1) of Regulation 72, the Director (Administration) shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete section 1 of Part-II of Form 12 and assess the amount of family pension and gratuity.Provided that if the Director (Administration) is for any reason, unable to assess the amount within the period aforesaid he shall communicate the fact to the Chief Accounts Officer to continue to disburse the provisional family, pension to the claimant for such period as may be specified by the Director (Administration).(2)(a)The payment of family pension

shall be effective from the date following the date on which the payment of provisional family pension ceased.(b)Arrears of family pension, if any, in respect of the period for which provisional family pension was drawn and disbursed by the Chief Accounts Officer shall also be authorised by the Director (Administration).(3)(a)The Director (Administration) shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Commission's employee.(b)The Director (Administration) shall intimate to the Chief Accounts Officer the amount of the balance of the gratuity determined under clause (a) with the remarks that the amount of the balance of the gratuity may be drawn and disbursed by the Chief Accounts Officer to the person or persons to whom the Provisional gratuity has been paid.(c)The amount of gratuity withheld under clause (v) of sub-regulation (1) of Regulation 75 shall be adjusted by the Chief Accounts Officer against the outstanding licence fee mentioned in clause (viii) of sub-regulation (1) of Regulation 75 and the balance, if any, refunded to the person or persons to whom gratuity has been paid.(4)The fact of the issue of the pension payment order shall be promptly reported to the Head of Office and Chief Accounts Officer by the Director (Administration) and the documents which are no longer required shall be returned to the Head of Office.(5)If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Director (Administration) it shall be open to the Director (Administration) to adjust the excess amount in instalments by short payments of family pension payable in future.(6)(a)If the amount of gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Director (Administration) the beneficiary shall not be required to refund the excess.(b)The Director (Administration) shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the over payment.

75. Adjustment of commission's dues.

(1)Dues pertaining to Commission accommodation. - (i) If on the date of death the employee of the Commission was allottee of Commission's accommodation, the Head of Office on receipt of intimation regarding the death of the employee shall within seven days of the receipt of such intimation, write to the concerned Estate Officer for the issue of 'No Demand Certificate' so that authorisation of family pension and death-cum-retirement gratuity is not delayed. While addressing the concerned Estate Officer for the issue of No Demand Certificate' the Head of Office shall also supply the following information in duplicate (one copy) marked to Director (Administration).(a)Name of the deceased employee with designation;(b)Particulars of the accommodation (Quarter No. and locality);(c)date of death of the employee.(d)whether the employee was on leave at the time of his death, if so, the period and nature of leave.(e)whether the employee was enjoying rent free accommodation;(f)period upto which licence fee had been recovered from the pay and allowances of the deceased employee and the monthly rate of recovery and particulars of the pay bill under which last recovery was made.(g)If the licence fee had not been recovered upto the date of death and the family intends to retain Commission's accommodation for the permissible period of four months or as may be prescribed by the Commission, from the date of death of the employee, details of the-(a)Period for which licence fee still remains to be recovered;(b)the amount of licence fee in respect of the period at (a).(c)the amount of licence fee for the retention of Commission's accommodation by the family of the deceased Commission's

employee for the concessional period of four months, or as fixed by the Commission beyond the date of death of the employee to be determined on the basis of standard rent bill;(d)the amount of licence fee mentioned at (b) and (c) proposed to be recovered out of death-cum-retirement gratuity;(e)details of any previous reference from the concerned Estate Officer having bearing on the recovery of licence fee outstanding against the allottee and action taken therein.(ii)The Director (Administration) shall order recovery from the death-cum-retirement gratuity the amount of licence fee as intimated to the Estate Officer under clause (i).(iii)The recovery of licence-fee for the occupation of the Commission's accommodation beyond the permissible period of four months or as fixed by the Commission shall be the responsibility of the Head of Office.(iv)The Estate Officer concerned shall scrutinise their records with a view to determine if licence-fee other than the licence-fee referred to in clause (i) was outstanding against the deceased employee. If any recovery is found, the amount and the periods to which such recovery or recoveries relate shall be communicated to the Head of Office and Director (Administration) within a period of three months of the receipt of intimation regarding the death of the employee under clause (i).(v)Pending receipt of information under clause (iv) the Director (Administration) shall withhold ten per cent of the death-cum-retirement gratuity or one thousand rupees whichever is less.(vi)If no intimation is received by the Director (Administration) within the period prescribed under clause (iv) regarding recovery of licence-fee, it shall be presumed that nothing is recoverable from the deceased employee and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of death-cum-retirement gratuity was paid.(vii)If the Head of Office has received intimation from the Estate Officer concerned under clause (iv) regarding licence-fee outstanding against the deceased employee, the Head of office shall verify from the acquittance rolls if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased employee. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the Estate Office concerned had already been recovered, the Head of Office shall under intimation to the Director (Administration) draw the attention of the Estate Officer concerned to the pay bills user which the necessary recovery of the licence fee was made and subject to the provision of sub-regulation (2) the Director (Administration) shall take steps to pay the amount of the gratuity withheld under clause (v) to the person or persons to whom the death-cum-retirement gratuity was paid.(viii)If the outstanding amount of licence fee was not recovered from the pay and allowances of the deceased employee, the Head office shall intimate Director (Administration) to adjust outstanding amount against the amount, of the gratuity withheld under clause (v) and to pay the balance, if any, to the person or persons to whom the amount of death-cum-retirement gratuity was paid.(2)Dues other than those referred to in sub-regulation (1) The Head of Office shall, within one month of the receipt of intimation regarding death of a employee, take steps to ascertain if any dues as referred to in Regulation 65 excluding the dues pertaining to the allotment of Commission's accommodation were recoverable from the deceased employee. Such ascertainable dues shall be intimated by the Head of Office to the Director (Administration) who shall direct recovery of such dues from the amount of death-cum-retirement gratuity becoming payable to the family of the deceased employee.

76. Payment of family pension and death-cum-retirement grativity when an employee of the Commission dies while on deputation.

- In the case of an employee who dies while on deputation to foreign service, action to authorise the family pension and death-cum-retirement gratuity in accordance with the provisions of this chapter shall be taken by the Head of Office.

Chapter IX

Sanction Of Family Pension And Residuary Gratuity In Respect Of Deceased Pensioners

77. Sanction of family pension and residuary gratuity on the death of a pensioner.

(1) Where the Head of Office has received an intimation regarding for the death of a retired employee of the Commission or 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 Director (Administration). (2)(A)(i) If the deceased pensioner is survived by the widow or widower who is eligible for the grant of family pension under Regulation 49, the amount of 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, the Chief Accounts Officer shall authorise the payment of family pension to the widow or widower as the case may be. (B)(i) Where the deceased pensioner is survived by the child or children, the guardian of the child or children may submit a claim in Form 11 to the Head of Office for the payment of family pension : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of 18 years and such a person may himself or herself submit a claim in the said Form. (ii) On receipt of a claim from the guardian the Head of Office shall forward, such claim to Director (Administration) who shall sanction them family pension in Form 14. (C)(i) Where a widow or widower in receipt of family pension remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for family pension the remarried individual shall be eligible to draw the family pension on behalf of such child or children if such individual continues to be the guardian of such child or children. (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. (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) 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 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 11 to the Head of Office for the payment of family pension : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit a claim in the said Form. (iv) On receipt of the claim referred to in sub-clause (iii) the Head of office shall forward the same to the Director (Administration) who

shall sanction family pension in Form 15.(D)(i)Where a widow or widower in receipt of family pension dies and leaves behind child or children who is or are eligible for payment of family pension the guardian may submit a claim in Form 11 to the Head of Office for the payment of family pension;Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit claim in the said Form.(ii)On receipt of a claim under sub-clause (i), the Head of Office shall forward the same to Director (Administration) who shall sanction family pension in Form 15.(3)Where on the death of a retired employee a residuary gratuity becomes payable to the family of the deceased under sub-regulation (2) of Regulation 44, the Director (Administration) shall sanction its payment on receipt of a claim or claims in Form 16 from the person or persons eligible to receive the residuary gratuity.

78. 'Authorisation' of payment by Director (Administration).

- On receipt of sanction under Regulation 77 regarding payment of family pension or residuary gratuity or both the Chief Accounts Officer shall make the payment of the same.

Chapter X

Payment Of Pension

79. Date from which pension becomes payable.

(1)Subject to the provisions of Regulations 8 and 63, a pension other than family pension shall become payable from the date on which an employee of the Commission ceases to be borne on the establishment.(2)Pension including family pension shall be payable for the day on which its recipient dies.

80. Currency in which pension is payable.

- All pensions including gratuities admissible under these regulations shall be payable in rupees in India only.

81. Manner of payment of gratuity and pension.

(1)Except as otherwise provided in these regulations a gratuity shall be paid in lumpsum.(2)A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

Chapter XI

Commutation Of Pension

General Conditions

82. Restriction on commutation of pension.

- No employee against whom departmental or judicial proceedings as referred to in Regulation 8 have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised under Regulation 63 or the pension, as the case may be, during the pendency of such proceedings.

83. Limit on commutation of pension.

(1) An employee shall be entitled to commute for a lumpsum payment a fraction not exceeding one-third of his pension. Explanation - (1) The term "Pension" referred to in this Chapter and hereinafter in Chapters XII and XIII unless the context otherwise required, means any class of pension including compassionate allowance referred to in Chapter V of these Regulations but does not include any amount granted by the Commission to a pensioner as compensation for higher cost of living. (2) In an application for commutation in Form 19 or Form 20, as the case may be an applicant for commutation shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one third of pension or such lower limit as he may desire to commute. (3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation. Note. - When a part of pension is withheld or withdrawn under Regulation 7 the residual amount is the amount that has been granted from the date of withholding or withdrawal or a part of the pension. As such if commutation is applied for after the date, the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after that date.

84. Commutation of pension to become absolute.

- (i) The commutation of pension shall become absolute in the case of an applicant for commutation referred to : (i) In sub-regulation (1) of Regulation 91 on the date on which the application in Form 19 is received by the Director (Administration). (ii) in Chapter XIII on the date on which the medical authority signs the medical report in Part-III of Form 22: Provided that the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of the three months after issue of authority by the Director (Administration) for the payment of commuted value of pension, whichever is earlier. Explanation. - The term "applicant" referred to in this chapter and hereinafter in chapters XII and XIII means a commission's employee, including a retired Commission's employee, who applies for commutation of a fraction of pension in the said form. (2) In the case of an applicant referred to in - Regulation 87 and Regulation 88, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in the proviso to sub-regulation (1). (3) The date on which the payment of the commuted value of pension was made to the applicant shall be entered in both halves of the pension payment order by the Chief Accounts Officer under intimation to the Director (Administration) who authorised the payment of commuted value of pension.

85. Death of an applicant for commutation before receiving the commuted value.

- If an applicant died without receiving the commuted value on or after the date on which commuted became absolute, the commuted value shall be paid to his heirs.

86. Calculation of commuted value of pension.

- The lumpsum payable to an applicant shall be calculated in accordance with the Table of the value fixed from time to time and applicable to the applicant on the date on which the commutation become absolute. Explanation : "Table" referred to in this regulation and hereinafter means table of commutation values for pension appended to these regulations.

87. Commutation of provisional pension.

(1)An employee to whom, pending assessment of final pension, provisional pension has been sanctioned under Regulation 58 shall be eligible to commute a fraction of such provisional pension subject to the specified in Regulation 83.(2)For the purpose of commutation of provisional pension, the provisions of Chapter XII or chapter XIII, as the case may be shall apply.(3)The provisions of this sub-regulation, shall apply to an applicant who for the purpose of commutation of provisional pension is governed by chapter XIII of these regulations : (i)Where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding one hundred rupees per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised would exceed one hundred rupees per mensem, his application shall be deemed, for the purpose of definition of Medical Authority, to be for the commutation of amount exceeding one hundred rupees per mensem.(ii)(a)Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding one hundred rupees per mensem on the determination of final pension due to him, he shall be treated as having applied for commutation of pension not exceeding rupees one hundred rupees per mensem.(b)If on the determination of final pension, the applicant for commutation becomes entitled to commute his pension upto one hundred rupees per mensem, he shall not be required to undergo medical examination for payment to him of the difference between the commuted value of the pension originally commuted and the pension commuted subsequently.(c)If on the determination of final pension the applicant for commutation becomes entitled to commute a sum exceeding one hundred rupees, he shall, for commutation of pension exceeding rupees one hundred, be required to apply a fresh in Form 20.

88. Retrospective revision of final pension.

- An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of commission's decision, the applicant shall be paid difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the payment of difference the applicant

shall not be required to apply a fresh. Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees one hundred after being declared by the appointed Medical Authority and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the committed value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

Chapter XII

Commutation Of Pension Without Medical Examination

89. Scope.

- The provisions of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

90. Eligibility.

- An applicant, whose is authorised: (i) a superannuation pension under Regulation 32. or (ii) a retiring pension under Regulation 33. or (iii) a pension on absorption in or under a Corporation or Company or body in terms of Regulation 34 and who elects to receive monthly pension and Death-cum-retirement Gratuity. or (iv) a compensation pension on abolition of permanent post under Regulation 37. or (v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in Regulation 8 and issue of final orders thereon. shall subject to the limit in Regulation 83, be eligible to commute a fraction of his pension without medical examination. Provided that he applies for commutation of pension in Form 19 in accordance with the provisions of Regulation 91. Note - Pension referred to in clause (i), clause (ii), any clause (iv) shall include the provisional pension sanctioned under Regulation 58.

91. Application for commutation of Pension.

(1) An applicant who is in receipt of any pension referred to in Regulation 90 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement shall - (a) apply to Director (Administration) in form 19 after the date of his retirement; (b) ensure that the application in Form 19 duly completed, is delivered to the Director (Administration) as early as possible but not later than one year of the date of his retirement; Provided that in the case of an applicant (a) referred to in clause (iii) of Regulation 90 where order retiring him from Commission's service had been issued from a retrospective date, the period of one year referred to in this sub-regulation shall reckon from the date of issue of the retirement orders; (b) referred to in clause (v) of Regulation 90 the period of one year referred to in this sub-regulation shall reckon from the date of issue of the orders consequent on the finalisation of the departmental or judicial proceedings. (2) An applicant who

applies for commutation of pension within one year of the date of his retirement but his application in Form 19 is received by the Director (Administration) after one year of the date of his retirement, shall not be eligible to get his pension commuted, without medical examination. Such an applicant, if he desires to commute a fraction of his pension, shall apply afresh in Form 20 in accordance with the procedure laid down in Chapter XIII.

92. Action to be taken by the Director (Administration) on application for commutation of pension.

(1)The Director (Administration) on receipt of application in Form 19 under sub-regulation (1) of regulation 91 shall(a)initial the Form indicating the date of its receipt;(b)acknowledge immediately the receipt of Form 19 in Part-II of that Form and despatch the same to the applicant.(c)take immediate action to complete part-III of Form 19.(2)In case application in Form 19 is received by the Director (Administration) Under sub-regulation (1) of Regulation 91 after one year of the date of retirement of the applicant, the Director (Administration) shall inform the applicant that(a)he shall not eligible to commute a fraction of pension without medical examination;(b)If he desires to get a fraction of the pension commuted, he should apply afresh in Form 20 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter-XIII.

93. Authorisation of commuted value by the Director (Administration).

(1)The Director (Administration) on receipt of Form 19 shall(a)verify that information furnished by the applicant in Part-I of Form 19 is correct;(b)verify that the applicant is eligible to commute a fraction of his pension without medical examination.(c)determine the commuted value of pension;(d)issue authority for the payment of commuted value of pension to the Chief Accounts Officer.(2)The Director (Administration) after necessary verification or the information furnished in Form 19 shall(a)issue authority for the payment of commuted value of pension to the Chief Accounts Officer;(b)draw the attention of the Chief Accounts Officer to the proviso of sub-regulation (1) of Regulation 84 so.that the Chief Accounts Officer may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension;(c)endorse to the applicant a copy of the authority referred to in clause (a) with the instruction that he should collect the commuted value of pension from the Chief Accounts Officer.

94. Authorisation of the commuted value of a fraction of provisional pension.

(1)If pending determination of final pension, the Director (Administration) has sanctioned provisional pension to an employee under Regulation 58 and such an employee has applied for commutation of provisional pension in Form 19 in accordance with the provisions of Regulation 87 the Director (Administration) on receipt of Form 19 shall take action as provided in sub-regulation (1) of Regulation 92 and verify the correctness of the amount of provisional pension and make further verification as provided in sub-regulation (1) of Regulation 93.(2)The Director (Administration) after necessary verification of the amount of the provisional pension and the amount of the commuted value shall(a)issue authority for the payment of commuted value of the

Chief Accounts Officer with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him;(b)draw the attention of the Chief Accounts Officer to the proviso to sub-regulation (1) of Regulation 84 so that the Chief Accounts Officer may make reduction in the amounts of provisional pension on account of commutation accordingly; and(c)endorse to the applicant a copy of the authority referred to in clause (a) with the instruction that he should pursue the matter with the Chief Accounts Officer.(3)The Chief Accounts Officer on receipt of authority from the Director (Administration) under Sub-regulation (2), shall draw the amount of commuted value of pension and disburse the same to the applicant under intimation to the Director (Administration).

4. The Director (Administration) shall on final assessment of pension-

(a)issue authority to the Chief Accounts Officer for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office.(b)make entry in the pension Payment order to be issued on the cessation of the payment of the provisional pension by the Head of Office, the fact of the payment of the commuted value of provisional pension by the Chief Accounts Officer and also indicate the date from which the payment of the residuary pension shall commence.

Chapter XIII

Commutation Of Pension After Medical Examination

95. Scope.

- The provisions of this Chapter shall apply to an applicant who is eligible to commute action of his pension after medical examination.

96. Eligibility.

- An applicant who-(i)retires on invalid pension under Regulation 36.or(ii)on absorption in or under a Corporation or Company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lumpsum in hew of Pension in terms of Regulation 34,or(iii)is compulsorily retired from service as penalty and is granted pension under Regulation 38.(iv)is in receipt of compassionate allowance under Regulation 39, or(v)has retired from service on one of the pensions referred to in Regulation 90 but his application for commutation has not been received by the Director (Administration) within one year of his retirement, shall be eligible to commute a fraction of his pension subject to the limit specified in Regulation 83 after he has been declared fit by the appropriate medical authority.

97. Application for commutation of pension.

- An applicant referred to in Regulation 86 shall apply to the Director (Administration) in Form 20

for commutation of a fraction of his pension including provisional pension sanctioned under Regulation 58.

98. Action to be taken by the Director (Administration) on application for commutation of pension.

(1)The Director (Administration) on receipt application in Part-I of Form 20 under Regulation 97 shall-(a)acknowledge immediately the receipt of Form 20 in Part-II of that Form and despatch the same to the applicant;(b)complete Part-III and IV of that Form.(2)The Director (Administration) shall address in Form 21 to the Medical authority where the applicant for commutation desires to be medically examined and forward to him the following documents :(i)Form 20 with Part-IV of that Form duly completed in original;(ii)two copies of the applicant's photograph of which one shall be an attested copy;(iii)a copy of Form 22 with a spare copy of Part-III of that Form;(iv)report or statement of the applicant's case if he has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.(3)A copy of letter in Form 21 addressed to the Medical Authority shall be endorsed to the applicant informing him where and when should appear for medical examination.

99. Action to be taken by the Medical Authority.

(1)The Medical Authority on receipt of documents referred to in sub-regulation (2) of Regulation 98 shall examine the applicant as provided in Regulation 102. (2) In fixing the date for medical examination, it shall be ensured that the medical examination, it shall be ensured that the medical examination is held, as far as possible before the date of far as possible, before the date of applicant's next birth date.

100. Fee for medical examination to be borne by the applicant for commutation.

- The applicant for commutation shall be required to pay for medical examination such fee as may be specified by the Commission.

101. Failure to appear before the medical authority.

(1)If the applicant after receipt of copy of the letter addressed to the Medical Authority referred to in sub-regulation (3) of Regulation 98 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Director (Administration) and return to him the documents received under sub-regulation (2) of Regulation 98. (2). With the return of documents to the Director (Administration) under sub-regulation (1), the application for commutation shall be treated as having been withdrawn.

102. Procedure for Medical Examination.

(1)The Medical Authority shall:(a)obtain from the applicant for commutation a statement in part-I of Form 22 duly signed by the applicant in its presence;(b)subject the applicant to medical examination and enter the result thereof in Part-II of Form 22;(c)attest the unattested copy of the photograph of the applicant;(d)complete the certificate contained in part III of Form 22;Provided that where :(i)an applicant has been granted invalid pension, or(ii)an applicant has previously commuted a part of his pension, or(iii)an applicant has been refused commutation on medical grounds, or(iv)an applicant had declined to accept the commutation on the basis of addition of years to his actual age, the medical authority shall, before completing the certificate contained in Part-III of Form 22, take into consideration the statement of the medical case of the applicant.(2)After complying with the requirements of sub-regulation (1), the medical authority shall without delay forward to the Director (Adm.) who has already completed Part-N of Form 20, the following documents, namely:(a)Form 20 in original,(b)attested copy of the applicant's Photograph,(c)Form 22 in original.

3. The medical authority shall also send to the applicant a certified copy of Part-III of Form 22.

103. Second Medical Examination.

(1)Subject to the provisions of Regulation 104, the medical examination in the case of an applicant who has been refused commutation on medical grounds or who has declined to accept commutation on the basis of addition of years to his actual age recommended by the Medical authority shall take place after the expiry of a period of not less than one year from the date of the first medical examination.(2)If the applicant desires to be re-examined on the expiry of the period specified in sub-regulation (1), the examination shall be by a Medical board at his own expense.For this purpose, he shall address a letter to the director (Administration) with the request that arrangements for his re-examination by the Medical Board may be made.He shall indicate in the letter :(i)the medical authority which examined him earlier, and the date on which such examination took place,(ii)the place where he was examined(iii)the opinion of the medical authority,(iv)the date of birth and the date of retirement,(v)designation of the post held at the time of retirement,(vi)the amount of pension authorised,(vii)the fraction of pension which was originally applied for commutation.(3)The Director (Administration) on receipt of letter under sub-regulation (2) shall address the Medical Board for arranging re-examination of the applicant. A copy of this letter shall be endorsed to the applicant informing him where and when he should appear for medical examination. Director (Administration) shall forward the following documents to the Medical Board :(i)letter in original received from the applicant,(ii)a certified copy of Form 22 received earlier from the medical authority under clause (c) or sub-regulation (2) of Regulation 102.(4)The applicant after the receipt of Communication under sub-regulation (3) shall appear before the Medical Board at the place and on the date communicated to him.(5)The Medical Board shall examine the applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same

to the Director (Administration) under intimation to the applicant. The documents received by the Medical Board. under sub-regulation (3) shall also be returned to the Director (Administration).(6)If as a result of the opinion of the Medical Board received by the Director (Administration) under sub-regulation (5), the applicant becomes eligible to commute a fraction of pension originally applied for, the Director (Administration) shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion with reference to the revised or modified opinion of the Medical Board and take action to authorise the commuted value to the applicant.

104. Appeal against the findings of Medical Authority.

(1)Notwithstanding anything contained in Regulation 103 an applicant who has been refused commutation on medical grounds or who has declined to accept commutation on the basis of addition of years to his actual age recommended by the Medical Authority shall be eligible for second medical examination before the expiry of the period specified in sub-regulation (1) of Regulation 103, if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgment. Such an applicant may, within one months of the receipt of the certified copy of Part III of Form 22, from the medical authority prefer an appeal by addressing a letter to the Director (Administration) that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-regulation (2) at his own expenses.He shall also indicate in the letter:-(i)the medical authority which had examined him earlier and the dater on which the examination took place,(ii)the place where he was examined,(iii)the opinion of the medical authority,(iv)the date of birth and the date of retirement,(v)designation of the post held at the time of retirement,(vi)the amount of pension authorised,(vii)the fraction of pension which was originally applied for commutation.(2)(i)The applicant referred to in sub-regulation (i) shall be re-examined by a Medical Board, or (ii) If he was previously examined by a medical board, he shall be re-examined by a second Medical Board the members of which shall be different from those of the first Medical Board.(3)The Director (Administration) shall, within one months of the receipt of letter under sub-regulation (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the appropriate Medical Authority and forwarded to it the documents : (i)A copy of the letter received from the applicant.(ii)certified copy of Form 22 received earlier by him from the Medical Authority under clause (c) of sub-regulation (2) of Regulation 102.(4)A copy of the letter addressed to the Medical Authority shall be endorsed to the applicant informing him where an when he should appear for medical examination.(5)The Medical Authority on receipt of communication from the Director (Administration) under sub-regulation (3) shall arrange for the second medical examination of the applicant.(6)The applicant on receipt of the communication under sub-regulation (4) shall appear for the medical examination before the Medical Authority on the date communicated to him.(7)The Medical Board shall examine the applicant and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Director (Administration) under intimation to the applicant and the findings of the Medical Board shall be binding on the applicant.(8)If the Medical Board as a result of the second medical examination of the applicant sets aside or modifies the opinion of the first medical authority, the

finding of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant shall be settled accordingly.(9)Nothing contained in this regulation shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

105. Withdrawal of application.

(1)The applicant may after giving notice in writing to the Director (Administration) withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority;(2)In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may-(a)by giving notice in writing to the Director (Administration) withdraw his application (within fourteen days) from the date on which he receives the certified copy of Part-III of Form 22; and(b)request the Director (Administration) within the period specified in clause (a) that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.(3)Where a request for withdrawal has not been made by the applicant within the time specified in clause (a) of sub-regulation (2), it shall be presumed that he has accepted the findings of the medical authority and the Director (Administration) shall take action to authorise the payment of commuted value of pension.(4)If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-regulation (2), the Director (Administration) shall authorise the payment of commuted value of pension with reference to the reduced amount.(5)If the applicant is informed by the Director (Administration) under Regulation 106 that on account of modification of the Table, the commuted value becoming payable to the applicant for commutation will be less than the value communicated to him in Form 21, it shall be open to the applicant to withdraw his application by a written notice addressed of the date on which he receives intimation of such of the date on which he receives intimation of such modification.

106. Modification in the value specified in the Table.

(1)In case the value specified in the Table is Modified at any time before the commutation becomes absolute in terms of clause (ii) of sub-regulation (1) of Regulation 84, the payment shall be made in accordance with the value so modified.(2)Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Director (Administration) shall inform the applicant of the revised value and communicate to him the provisions of sub regulation (5) of Regulation 105.

107. Authorisation of payment of commuted value by the Director (Administration).

(1)Subject to the provisions of sub-regulation (2) and sub-regulation (3) of Regulation 105, the

Director (Administration) on receipt of the documents referred to in sub-regulation (2) of Regulation 102 from the medical authority, shall without delay issue an order to the Chief Accounts Officer and furnish to him the following particulars and documents, namely : (i) the amount of pension commuted, the amount of commuted value of pension and the date in which the commutation became absolute, (ii) the amount of residuary pension, (iii) Form 22 in original, (iv) copy of the applicant's Photograph as attested by the medical authority. (2) The Director (Administration) shall also (a) bring to the notice of the Chief Accounts Officer the provisions of the proviso to sub-regulation (1) of Regulation 84 regarding the date on which the amount of original pension should be reduced. (b) endorse to the applicant a copy of the order issued under sub-regulation (1) with the remarks that he should collect the commuted value from the Chief Accounts officer, and (c) bring to the notice of the applicant the provisions of the proviso to sub-regulation (1) of Regulation 84.

108. Final assessment of provisional pension.

(1) An applicant referred to in sub-regulation (3) of Regulation 87 to whom commuted value of the fraction of the provisional pension has been paid shall, on final assessment of the pension, be paid the difference between the commuted value so determined and the commuted value already paid; Provided that where an applicant has been examined by a Medical Authority for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in clause (iv) of sub-regulation (3) of Regulation 87 and he is declared fit by the Medical Board. (2) The commuted value of the fraction of provisional pension as indicated in the endorsement in Form 21 addressed to the applicant and forwarded under sub-regulation (3) of Regulation 98 shall be deemed to have been amended with the issue of an authority by the Director (Administration) for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

Chapter XIV

Miscellaneous

109. Finance and expenditure.

- All the expenditure for payment arising out of and on account of these regulations shall be met from the funds provided by the Central Government to the Commission in each financial year under Section 17 of the Act.

110. Interpretation.

- If any doubt arises as to the interpretation of any provision of these regulations, they shall be interpreted in accordance with the rules orders on the subject issued by the Government of India from time to time. Form-1[(See Regulation 48 (1))Nomination For Death-Cum-Retirement Gratuity]When the employee has a family and wishes to nominate one member, or more than one member, thereof. I.....hereby nominate the person/persons mentioned below who is/are members (s) of my family, and confer him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Commission 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 come admissible to me on retirement may remain unpaid at my death :

Originalnominee(s) Alternativenominee(s)

Namesand address nominee/nominees	Relationshipwith the employee	Amountor Age gratuity payable	Name,address, relationship and age of the person or persons if any towhom the right conferred on the nominee shall pass in the eventof the nominee pre-deceasing the employee or the nominee dyingafter the death of the employee but before receiving payment ofgratuity.	Amountof share of gratuity, payable to[**] [The amount/share of the gratuity shown in this column should cover the amount/share payable to the original nominee (s)]each	
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on.....which stands cancelled. Note. - (i) The 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. Dated this.....day of198 at..... witnesses to signature :

1.

.....

2.

.....Signature of employee(To be filled in by the Head of Office)Nomination
by..... Signature of Head of Office.....Designation.....

Date.....Office.....Designation.....Profarma For Acknowledging The Receipt Of The Nomination From By The Head Of

OfficeTo.....Sir,In acknowledging the receipt of your nomination, dated the/cancellation, dated the..... of the nomination made earlier in respect of gratuity in Form..... I am to state that it has been duly placed on record.Place

.....Dated theSignature of Head of OfficeDesignation.....Note :-

The employee is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgement are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.Form-2[See Regulation 48

(1)]Nomination For Death-Cum-Retirement GratuityWhen the employee has no family and wishes to nominate one person or more than one person.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 Commission 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:

Originalnominee(s)	Alternativenominee(s)	<div> <div>Name, address,relationship and age of the person or persons if any to whom theright payable conferred on the nominee shall pass in the event of thenominee pre-deceasing the employee or the nominee dying after thedeath of the employee but before receiving payment of gratuity.</div> <div>Amount or gratuitypayable to each[*] [This column should be filled in so as to cover the whole amount of the gratuity.]</div> <div>Age</div> <div>Amount of share ofgratuity, payable to[**] [The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the origial nominee(s).]each</div> </div>			
Names and addressnominee/nominees	Relationship withthe employee	Age			
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.Note. - (i) The employee should draw lines across blank space below the last entry to

prevent the insertion of any name after he has signed.(ii)Strike out which is not applicable. Dated this..... day of.....198 at Witnesses to signature.

1.

2.

(To be filled by the Head of Office)Nomination

by.....Designation.....Office.....Signature of employee.Signature of Head of OfficeDate.....Designation.....Profarma For

Acknowledging The Receipt Of The Nomination Form By The Head Of

Office.To.....Sir,In acknowledging the receipt of your nomination, dated thecancellation, dated the.....of the nomination made earlier in respect of gratuity in Form I am to state that it has been duly placed on record.PlaceDated theSignature of Head of

OfficeDesignation.....Note :- The employee is advised that it would be in the inter fest of his nominees if copies of the nominations and the related notices and acknowledgement are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his

death.Form-3[Regulation 49 (13)]Details Of FamilyName of the

employee.....Designation.....Date of

birth.....Date of appointment.....Details of members of my family as on.....

Sr.No.	Nameof the Members of 'family'	Dateof birth	Relationshipwith the employee	Initialsof the Head of office	Remaks
1	2	3	4	5	6

I hereby undertake to keep the above particulars up-to-date by notifying to the Head of Office any addition or alternative.PlaceDated the Signature of Employee"Family" for this purpose means family as defined in clause (b) of sub-regulation (15) of Regulation 49 of the Khadi and Village Industries Commission Employees (Pension) Regulations, 1984.Note : Wife and husband shall include respectively judicially separated wife and husband.Form 4[See Regulation 53 (1) (3) and 55 (1)]Particulars To Be Obtained By The Head Of Office From The Retiring Employee Eight Months Before The Date Of His Retirement

1. Name

2. (a) Date of Birth

(b)Date of retirement

- 3. Two specimen signatures (to be furnished in a separate sheet) duly attested by a Commission's Officer.'**
- 4. Three copies of Passport size joint Photograph' with wife or husband (To be attested by the Head of Office).....**
- 5. Two slips showing the particulars of height and personal' identification marks duly attested by a Commission's Officer.**
- 6. Present address.....**
- 7. Address' after retirement.....**
- 8. Details of the family in Form 3.**

PlaceDated the
.....Signature.....Designation.....Deptt./Office.....

- 1. Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate enough to sign his name. If such an employee on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impression of the right hand. Where an employee has lost both the hands, he may give his toe impressions. Impressions should be duly attested by a Commission's Officer.**
- 2. Two copies of the Passport size Photograph of self only need to be furnished if the employee is governed by Regulation 49 and is unmarried or a widower or widow.**
- 3. Where it is not possible for an employee to submit a photograph with his wife or her husband, he or she may submit separate photographs.**

The photographs shall be attested by the Head of Office;

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

5. Any subsequent change of address should be notified to the Head of Office.

6. Applicable only where Regulation 49 applies to the employee.

Form-5 Form For Assessing Pension And Gratuity See Regulations 52, 54, 55(1) And 59(1) (To be sent in Duplicate) Part -I

1. Name of the employee

2. Father's name (and also husband's name in the case of female employee).

3. Date of birth (by Christian era).

4. Religion.

5. Permanent residential address, showing village, town, district and state.

6. Present or last appointment including name of establishment.

(i) Substantive (ii) Officiating, if any.

7. Date of beginning of service.

8. Date of ending of Service.

9. (i) Total period of military service for which pension or gratuity was sanctioned.

(ii) Amount and nature of any pension/gratuity received for the military service.

10. Amount and nature of any pension/gratuity received for previous civil service.

11. Government/Organisation under which service has been rendered in order of employment. : Years : Months : Days

12. Class of pension applicable :

13. The date on which action initiated to :

(i)Obtain the 'No Demand Certificate' from the Estate Officer as provided in Regulation 51.(ii)Assess the service and emoluments Qualifying for pension as provided in Regulation 53.(iii)assess the Commission's dues other than the dues relating to the allotment of Commission's accommodation as provided in Regulation 67 (1),

14. Details of omission, imperfections or deficiencies in the service book which have been ignored under Regulation 53(1)(b)(ii),

15. Total length of qualifying service (for the purpose of adding towards broken periods, a month is reckoned as thirty days).

16. Periods of non-qualifying service : From : To

(i)Interruption in service condoned under Regulation 25.(ii)Extraordinary leave not qualifying for pension.(iii)Period of suspension not treated as qualifying.(iv)Any other service not treated as qualifying. Total

17. Emoluments reckoning for gratuity:

18. Average emoluments

Post held Form To Pay Personal Pay orSpecial pay AverageEmoluments

19. Date on which Form 4 has been obtained from the employee (To be obtained eight months before the date of retirement of employee).

20. (i) Proposed pension.

(ii)Proposed graded relief.

21. Proposed death-cum-retirement gratuity.

Date from which pension is to commence.Propose amount of provisional pension. if departmental or judicial proceedings is instituted against the employee before retirement.(i)In a case where the last ten months include some period not be to reckoned for calculating average emoluments an equal period backward has to be taken for calculating average emoluments.(ii)The calculation of average emoluments should be based on actual number of days contained in each month.Details of Commission's dues recoverable out of gratuity : (i)Licence fee for the allotment of Commission's accommodation (see Sub-regulations (2),(3) and (4) of Regulation 66).(ii)Dues referred to in

Regulation 67 Whether nomination made for-Death-cum-retirement gratuity. With reference to Family pension applicable to the employee-(i) Emoluments reckoning for the family pension. (ii) the amount of the family pension becoming payable to the family to the employee if death takes place after retirement: (a) Before attaining the age of 65 years, or Rs (b) After attaining the age of 65 years. Rs (iii) Complete and up-to-date details of the family as given in Form 3

Name of member of the family Date of birth Relationship with the employee.

Height Identification marks Head of account to which pension and gratuity are debitable. Signature of the Head of Office. Part -II Section-I Account Enforcement :

- 1. Total period of qualifying service, which has been accepted for the grant of superannuation or retiring or invalid or compensation or compulsory retirement pension and gratuity, with reasons for disallowance, if any, (Other than disallowance indicated in Part 1 of this Form).**
- 2. Account of superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity that has been admitted.**
- 3. The date from which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is admissible.**
- 4. Head of Account to which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is chargeable.**
- 5. The amount of the Family pension becoming payable to the entitled members of the family in the event of death of the employees after retirement.**

Section-II

- 1. Name of the employee**
- 2. Class of pension or gratuity.**
- 3. Amount of pension authorised.**

4. Amount of gratuity authorised.

5. Date of commencement of pension.

6. Amount of family pension in the event of death after retirement.

(i) If death takes place before 65 years of age, or (ii) If death takes place after 65 years of age.

7. The amount of graded relief admissible on pension.

8. The Commission's dues recoverable out of gratuity before authorising its payment.

9. The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Commission's dues.

10. Date on which was pension papers received by the Director (Administration).

Form 6 Form Of List Per To The Director (Administration) Forwarding The Pension Papers Of An Employee No. Department/Office Dated the To, The Director (Administration) Khadi & V.I. Commission, Irla Road, Vile Parle (West), Bombay-56 Sub :- Pension Papers Of Shri/Shrimati/Miss For Authorisation Of Pension. Sir, I am directed to forward herewith the pension papers of Shri/Shrimati/Miss of Department/Office for further necessary action.

2. The details of Commission's dues which will remain outstanding on the date of retirement of the employee and which need to be recovered out of the amount of death-cum-retirement gratuity are indicated below:

(a) Balance of the House Building or conveyance advance.	Rs.
(b) Overpayment of pay and allowance including leaves salary.	Rs.
(c) Income-Tax deductible at source under Income tax Act, 1961 (43 of 1961)	Rs.
(d) Arrears of licence-fee for occupation of Commission's accommodation.	Rs.
(e) The amount of licence-fee for the retention of Commission's accommodation for the permissible period of two months (or as maybe prescribed) beyond the date of retirement.	Rs.
(f) Any other assessed dues and the nature thereof.	Rs.
(g) The amount of gratuity to be withheld for adjustment or unassessed	Rs.

dues, if any.

Tota:

Rs.....

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

4. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instruction for the disbursement of pension have been issued to the Chief Accounts Office.

5. The death-cum-retirement gratuity will be drawn and disbursed by this Department/Office on receipt of authority from you. The outstanding Commission's dues as mentioned in para-2 above will also be recovered out of the death-cum-retirement gratuity before giving payment.

Yours faithfully, Head Of Office. List Of Enclosures :

1. Form 4 and 5 duly completed.

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

3. Statement of the savings effected and the reasons why employment could not be found elsewhere (if the claim is for compensation of pension or 4. Service-Book (Date of retirement to be indicated in the service book).

5. (a) To specimen signatures duly attested by a Commission's Officer of Gazetted status 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 Commission's Officer.

(b) Two slips showing the particulars of height and identification marks, duly attested by a Commission Officer. (c) Three copies of passport size photograph with wife or husband (either jointly or separately) duly attested by the head of office.

6. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of the employee.

7. Written statement, if any, of the employee as required under Regulation 53(i)(a).

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

Note :- When initials or name of the employee are or is incorrectly given in the various records consulted. This fact should be mention in the letter.If an employee is compulsory retired from service and delay is anticipated in obtaining Form 4 from the employee, the Head Office may forward the pension papers to the Director (Administration) without Form 4. The form maybe sent as soon as it is obtained from the employee.Form 7[See Regulation 69(2)]Form Of Letter To The Member Or Members Of The Family Of A Deceased Employee Where Valid Nomination For The Grant Of The Death-Cum-Retirement Gratuity

ExistsNo.....Department/Office.....Dated the.....To,Sub :- Payment Of Death-Cum-Retirement Gratuity In Respect Of The Late Shri/Shrimati.....Sir/Madam,I am directed to state that in terms of the nomination made by the late Shri/Shrimati.....(designation).....in the Office/Department ofa 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 9.

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 stated.

Yours faithfully.Head Of OfficeForm-8(See Regulation 69(2))Form Of Letter To The Member Of Members Of The Family Of A Deceased Employee Where Valid Nomination For The Grant Of The Death-Cum-Retirement Gratuity Does Not ExistNoDeptt./OfficeDated theTo,.....Sub :- Payment Of Death-Cum-Retirement Gratuity In Respect Of Shri/Smt./Miss.....Sir/Madam,I am directed to say that in terms of Regulation 44 of the Khadi & Village Industries Commission Employees (Pension) Regulation 1984, a death-cum-retirement gratuity is payable to the following members of the family of late Shri/Smt./Miss (Designation)..... in the office/department ofin equal shares :

- | | |
|---|---|
| (i)Wife/Husband including judicially wife/husband. | includingstep children and separated adopted children |
| (ii)Sons | |
| (iii)Unmarried daughter including step children and adopted children. | |

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 and adopted daughters. including adoptive parents in case of individuals whose personal law permits adoption.
- (ii)Father
- (iii)Mother
- (iv)brother below the age of eighteen years and unmarried widowed sisters including step brothers and step sisters.
- (v)Married daughters and
- (vi)Children of a predeceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 9 as soon as possible.

Yours faithfully. Head Of Office Form-9 (See Regulation 69(2)) Form Of Application For The Grant Of Death-Cum-Retirement Gratuity On The Death Of An Employee (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 the claimants are minor(s).

(ii) Date of birth of the guardian.

3. (i) Name of the deceased employee in respect of the whom gratuity is being claimed.

(ii) Date of death of the employee. (iii) Office/Department in which the deceased served last.

4. Relationship of the claimant/guardian with the deceased employee.

5. Full postal address of claimant/guardian.

6. (i) Where gratuity is claimed by the guardian on behalf of minors the names of the minors, their ages, relationship with the deceased employee etc. :

SrNo.	Name	Age	Relationshipwith the deceased employee	Postaladdress
1				
2				
3				
4				

(ii)Relationship of the guardian with minor.

7. Two specimen signature of left hand thumb impression of the claimant/guardian duly attested.

Signature/Thumb impression of the claimant guardian.(To be furnished in a separate sheet).

8. Attested by:-

Name	Fulladdress	Signature
(i).....	(ii).....	

9. Witness

(i).....(ii).....

1. To be furnished in case the applicant is not literate enough to sign his name.

2. Attestation should be done by two officers of the Commission or two gazetted Government Servants or two or more persons of respectability in town, village or paragana in which the applicant resides.

Form-10(See Regulation 69(2)From Of Letter To The Widow/widower Of A Deceased Employee For Grant Of Family PensionNoDepartment/Office

.....Dated the

.....To,.....Sub

: Payment Of Family Pension In Respect Of Late Shri/Smt.Sir/Madam,I am directed say that in terms of Regulation 49 of Khadi & Village Industries Commission (Pension) Regulations 1984, a family pension is payable to you as widow/widower of the Shri/SmtDesignation).....in

the office/ Department of

2. You are advised that a claim for the grant of family pension maybe submitted in the enclosed Form-11.

3. The family pension will be payable till your death or re-marriage, whichever event occurs earlier. In the event of your death or re- marriage, the family pension shall be granted to the child or children, if any, through the guardian.

Yours Faithfully, Head Of Office. Form-11 [See Regulations 69(3) and 77(2)] Form Application for the Grant of Family Pension on the Death of the Employee/pensioner

1. Name of the applicant.

(i) Widow/Widower. (ii) Guardian if the deceased person is survived by child or children.

2. Name and age of surviving widow/widower and children of the deceased employee/pensioner

Sr.No.	Name	Relationship with the deceased person	Date of birth by Christian Era
--------	------	---------------------------------------	--------------------------------

1

2

3

4

5

6

3. Date of death of the employee/pensioner.

4. Office/Department in which the deceased employee/ pensioner served last.

5. If the applicant is guardian, his date of birth and relationship with the deceased employee/pensioner.

6. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife.

7. Full address of the applicant.

8. Enclosures :

(i) Two specimen signatures of the applicant, duly attested (To be furnished 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 impression of the applicant duly attested. (iv) Descriptive Roll of the applicant, duly attested, indicating (a), height and (b) personal marks, if any, one the hand, face etc. (specify a few conspicuous marks; not less than two, if possible). (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 recognised school, (if the child as studying in such school. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the head of office).

9. Signature or left hand thumb impression of the applicant.

10. Attested by :

Name Full Address Signature

(i).....(ii).....

11. Witness :

(i).....(ii).....Note. - Attestation should be done by two Officers of the Commission or two Gazetted Government servants or two or more persons of respectability in the town, Village or pargana in which the applicant resides. To be furnished in case of applicant is not literate enough to sign his name. In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage, (ii) her full address in the application for family pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which family pension was originally admitted to her. Form-12 (See Regulation 70(i) 72(1)(3), and (5) and 74 (1) Form for Assessing and Authorising the Payment of Family Pension and Death-Cum-Retirement Gratuity when an Employee Dies while in Service. (To be sent in duplicate) Part-I

1. Name of the deceased employee

2. Father's name (and also husband's name in the case of female employee)

3. Date of Birth (By Christian Era)

4. Date of death (By Christian Era)

5. Religion

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.

10. (i) Total period of service for which pension and 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/Organisation under which service has been rendered in order of Employment.

Year : Months : Days

13. The date on which intimation regarding the death of employee was received by the Head of Office.

14. The date on which action initiated to :

(i)Obtain claim or claims from the claimants in the appropriate form for death-cum-retirement gratuity and family pension as provided in regulation 69;(ii)Obtain the No Demand Certificate, from the Estate Officer as provided in Regulation 7(i).(iii)Assess the Commission's dues other than the dues pertaining to occupation of Commission's accommodation as provided in Regulation 75(2) and(iv)assess the service and emoluments qualifying for death-cum-retirement gratuity and family pension as provided in Regulations 70 and 71.

15. Whether nomination made for death-cum-retirement gratuity.

**16. Length of service qualifying for death-cum-retirement gratuity/pension. :
From : To**

17. Period of non-qualifying services :

(i) Interruption in service condoned under Regulation 25. (ii) Extraordinary leave not qualifying for gratuity. (iii) Period of suspension treated as non-qualifying. (iv) Any other service not treated as qualifying service. Total period of non-qualifying service.

18. (a) Emoluments reckoning for death-cum-retirement gratuity.

(b) Amount of death-cum-retirement gratuity.

19. Family Pension :

(i) Proposed family pension at; (a) enhanced rates (if service rendered at the time of death is more than seven years as in regulation 49(3)). (b) ordinary rates as in Regulation 49 (1). (ii) Period of tenability of Family Pension From To (a) enhanced rates. (b) ordinary rates.

20. person to whom family pension is payable :

Name : Relationship with the deceased employed : Full postal address :

21. Details of Commission's dues recoverable out of gratuity.

(i) Licence-fee for occupation of Commission's accommodation (see Regulation 75) (ii) Amount of death-cum-retirement gratuity to be held over pending receipt of information from Estates Officer. (See Regulation 75(1)(v)) (iii) Dues referred to in Regulation 75(2).

22. Date on which claims received from the claimants.

23. Name of guardian who will receive payment of death-cum-retirement gratuity and family pension in the case of minors.

24. Head of Accounts to which death-cum-retirement gratuity and family pension are debitable.

Place Dated the Signature of Head of Office. Section-II Details of Provisional Family Pension and Gratuity to be Determined by the Head of Office in Accordance with Regulation 73.

Provisional family pension	Rs.....p.m.
Gratuity (the amount mentioned in item 18(b) of part-I)	Rs.....pm.
Less	
(a) Licence fee recoverable from gratuity for occupation of Commission's accommodation	
(as in item 21(i) of Part-I)	Rs.....pm.
(b) Amount of gratuity to be held over pending receipt of information from the Estate Officer	
(as in item 21 (ii) of Part-I)	Rs.....pm.
(c) Other Commission's dues as mentioned in item 21 (iii) of Part-I.	Rs.....pm.
(d) Total of (a), (b) and (c)	Rs.....pm.
Place Dated the Signature of Head of Office	Part-II
Section-I Account Enfacement	

1. Total period of qualifying service which has been accepted for

(i) Death-cum-retirement gratuity. (ii) Family pension.

2. Net amount of gratuity after adjusting Commission's dues.

3. Amount and the period of tenability of family pension. If death took place.

Amount Rs. | Period of tenability From To

(i) before seven years service. (ii) after seven year of service.

4. Head of Account to which death-cum-retirement gratuity and Family pension are chargeable.

5. Date from which family pension is admissible.

Section-II

1. Name of the deceased employee.

2. Date of death of the employee.

3. Date on which pension papers received by the Director (Administration).

4. Amount of family pension authorised.

5. Amount gratuity authorised.

6. Date of commencement of family pension.

7. Date on which payment of family pension and gratuity authorised.

8. Amount recoverable from gratuity.

9. Amount of gratuity held over pending receipt of "No demand Certificate".

PlaceDated theDirector (Administration)Form-13[See Regulation 7(1)]Form of Letter to the Director (Administration) Forwarding Papers for Grant of Family Pension and Death- Cum-Retirement Gratuity to the Family of an Employee WHO Dies while in ServiceNoDepartment/OfficeDated theTo The Director (Administration)SUB : Grant Of Family Pension And Death-Cum-Retirement GratuitySir,I am directed to say that Shri/Smt(Designation) died on.....His family has become eligible for the grant of family pension and death-cum-retirement gratuity. Form 12 duly completed is forwarded herewith for further necessary action.

2. Commission's dues in respect of the deceased employee will be recovered out of the death-cum-retirement gratuity as indicated in section-II of Part-I of Form 12.

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

4. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instruction for the disbursement of family pension and death-cum-retirement gratuity have been issued to the Chief Accounts Officer.

Your faithfully,(Head Of Office)List Of Enclosures :

1. Form 12 duly completed.

2. Service Book (date of death to be indicated in the Service Book.)

3. Two specimen signatures of left hand thumb and finger impressions of the claimant or guardian duly attested.

4. Two copies of passport size photographs of the claimant or guardian duly attested.

5. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.

6. Postal address of the claimant or guardian.

Form-14[See Regulation 77(2)]Form Of Letter Sanctioning Family Pension To The Child Or Children Of A Retired Employee Who Dies After Retirement But Does Not Leave Behind A Widow Or WidowerNoDepartment/OfficeDated theToThe Chief Accounts Officer,Sir,SUB : Grant Of Family Pension To The Child/ChildrenI am directed to say that Shri/Shrimati Formerly in(Designation)this Department/Office was authorised pension of Rswith effect fromin his/her retirement from the service.

2. Intimation has been received in this Department/ Office that Shri/Shrimati.....died onand that time of death left no widow/widower but is survived by the following children.

Sr.No.	Name	Son/Daughter	Dateof birth in Christian era	Datefrom which family pension ceases to be payable
1	2	3	4	5
1				
2				
3				
4				
5				
6				

3. In terms of Regulation 49 of the Khadi & Village Industries Commission Employees (Pension) Regulation, 1984 the amount of Family pension has become payable to the children in the order mentioned above.

The family pension will be payable on behalf of the minor to Shri/ Shrimatiwho is the guardian.

4. Sanction for the grant of Family pension of Rs.....per month to the children mentioned above is hereby accorded.

The family pension will take effect from..... and subject to the provisions of Sub-regulation (4) of Regulation 49 of the Khadi & Village Industries Commission Employees (Pension) Regulations, 1984 will be tenable till

5. The Family Pension is debitable to the Head

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of this letter may kindly be acknowledged.

Yours faithfullyChief Accounts OfficerList Of Enclosures :

1. Permanent address of the guardian.

2. Specimen signature of left hand thumb and finger impressions of the claimant or guardian duly attested.

3. Two attested copies of passport size photograph of the guardian.

4. Descriptive Roll of the guardian, duly attested.

Form-15[See Regulation 77(2)]Form Of Letter Sanctioning Family Pension To The Child Or Children On The Death Or Remarriage Of A Widow/widower Who Was In Receipt Of Family PensionNoDepartment/OfficeDated theToThe Chief Accounts OfficerSUB : Grant Of Family Pension To The Child/ChildrenSir,I am directed to say that Shri/Shrimatiwidow/widower of late Shri/ Shrimatiformerly designation.....in this Department/ office was authorised the payment of the family Pension of Rswith effect from the family pension was tenable till the death or remarriage of the widow/widower.

2. Intimation has been received in this Department/Office the Shri/ Shrimati died/remarried on.....

3. At the time of death/remarriage of Shri/Shrimatihad following children* :

Sr.No.	Name Son/Daughter	Dateof birth in Christian era	Datefrom which family pension ceases to be payable
--------	-------------------	-------------------------------	--

1 2 3 4 5
123456

4. In terms of Regulation 49 of the Khadi & Village Industries Commission Employees (Pension) Regulation, 1984, the amount of Family Pension has become payable to the children in the order mentioned above. The family will be payable on behalf of the minors to Shri/Shrimatiwho is the guardian.

5. Sanction for the grant of family Pension Rsp.m. to the children, mentioned above is hereby accorded. The Family Pension will take effect from..... and subject to the provisions of sub-regulation (4) of Regulation 49 of the Khadi & Village Industries Commission Employees (Pension) Regulation, 1984 will be tenable till

6. The Family pension is debitable to the Head

7. Attention is invited to the information furnished in the list of enclosures.

8. The receipt of this letter may kindly be acknowledged.

Yours Faithfully, Director (Administration) List Of Enclosures

1. Permanent address of the guardian.

2. Specimen signature or left hand thumb and finger impression of the guardian duly attested.**

3. Two attested copies of Passport size photograph of the guardian.

4. Descriptive roll of the guardian duly attested.

Form-16[See Regulation 77(3)]Form Of Application For The Grant Of Residuary/gratuity On The Death Of A Pensioner(To be filled in separately by each applicant)

1. Name of the applicant.

2. (i) Name of the guardian in case the applicant is 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. Full address of the applicant.**
- 17. Signature or thumb impression of the applicant (to be furnished in a separate sheet duly attested)**

18. Attested by

Sr.No. Name Fulladdress Signature

(i)(ii)19.Witness :(i)(ii)

1. If a retired employee 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 of 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 12 times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family.

2. When a employee has retired before earning a pension, the amount of service gratuity should be indicated.

3. Attestation should be done for Gazette Government servants or by two or more persons of respectability in the town, village or Pargana in which the applicant resides.

Form-17[See Regulation 36 (3)]Form Of Medical CertificateCertified that I/We have carefully examined AB son of CD ain the...../his age by his own statement isyears. I/We consider AB to be completely and permanently incapacitated for further service of any kind in the Department/office to which he belongs in consequence of(Here state disease or cause).(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made).I/We are of the opinion that AB is fit for further service of less laborious character than that which he had been doing/may, after resting formonths, be fit for further service of less laborious character than that which he had been doing.Place :Dated theMedical AuthorityForm-18(See Regulation 29)Form Of Certificate Of Verification Of Service For PensionNo.Department/OfficeDatedCertificateIt is clarified that Shrihas completed a qualifying service of yearsmonths, and.....days as on..... (date), as per details(Designation)given below. The service has been verified on the basis of his service documents and in accordance with the rules/Regulations regarding qualifying service in force at present. The verification of service under sub-regulation (1) and (2) of Regulation 29 of the Khadi and Village Industries Commission's Employees (Pension) Regulation, 1984 shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules/regulations and order governing the conditions under which the service qualifies for pension.Details Of Qualifying Service

From To

1
2
3
4

Signature of Head of Office To Shri Form-19 Form Of Application For
Commutation Of A Fraction Of Pension Without Medical Examination [See Regulation 83 (2), 84(1),
90, (91) and (2), 93(1), 94 (1)] (To be submitted in duplicate after retirement but within one year of
the date of retirement) Part -I Space for Photograph (Here indicate the designation and full address
of the Director (Administration) To, Sir, The Sub : Commutation Of Pension
Without Medical Examination I desire to commute a fraction of my pension as indicated below in
accordance with the provisions of the Khadi & Village Industries Commission Employees (Pension)
Regulation, 1984. An attested copy of my photograph is pasted on the application. The necessary
particulars are furnished below:-

1. Name (in Block letters) :

2. Father's name (also husband's name in the case of a female employee) :

3. Designation at the time of retirement :

4. Name of Office/Department in which employed :

5. Date of birth (By Christian era):

6. Date of retirement :

7. Class of pension on which retired :

**8. Amount of pension authorised, (in case final amount of pension has not
been authorised, indicate the amount of provisional pension, sanctioned
under Regulations 58 of the Khadi & Village Industries Commission
Employees (Pension) Regulations, 1984.**

**9. Fraction of pension proposed to be commuted. (The applicant should
indicate the fraction of the amount of monthly pension (subject to maximum
of one-third thereof) which he desires to commute and not the amount in
rupees)**

10. No. and date of the pension payment Order, it issued by the Director (Administration)

Place:Date :Signature of Applicant Postal Address

Part II – Acknowledgement

Received from Shri.....application in Part-I of Form 19(Name)(Former Designation)for the commutation of a fraction of pension without medical examination.SignatureDirector (Administration)Place :Date :Part -IIIForwarded to the Chief Accounts Officerwith the remarks that-(here indicate the address & designation)(i)the particulars furnished by the applicant in Part I have been verified and are correct.(ii)The applicant is eligible to get a fraction of his pension commuted without medical examination.(iii)The commuted value of pension determined with reference to the Table of commutation value of pension applicable at present comes to Rs(iv)The amount of residuary pension after commutation will be Rs

2. It is requested that the payment of the amount of the commuted value of pension may be made and an entry be made in the Pension Payment Order regarding the rate at which the amount of Pension is to be reduced on account of commuted part for pension.

3. The commuted value of pension is debitable to Head of Account.

SignatureDirector(Administration)Place :Date :Form-20Form Of Application For Commutation Of Pension After Medical Examination By An Applicant Referred To In Regulation 96 Of The Khadi And Village Industries Commission Employees (Pension) Regulations, 1984[See Regulation 83(2), 87(3), 91(2), 92(2), 97, 98(1), (2), and (3), 99(1) and 102(2)](To be submitted in duplicate)Space for PhotographTo,The(Here indicate the designation and full address of Director (Administration)Sub : Commutation Of Pension After Medical ExaminationSir,I desire to commute a fraction of my pension in accordance with the provisions of the Khadi & Village Industries Commission Employees (Pension) Regulation, 1984 an attested copy of my photograph is pasted on the application and an unattested copy enclosed. The necessary particulars are furnished below:

1. Name (in Block letters) :

2. Father's name (and also husband's name in the case of a female employees):

3. Designation :

4. Name of Office/Department in which employed :

5. Date of birth (By Christian era)

6. Date of retirement.

7. Class of pension on which retired (See Chapter V of the Khadi & Village Industries Commission Employees (Pension) Regulations, 1984)

8. Amount of pension authorised (indicate the amount of provisional pension if full pension not authorised)

9. Fraction of pension proposed to commuted (The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one-third thereof) which he desires to commute and not the amount in rupees)

10. The number and date of the pension order authorised by the Director (Administration)

11. Approximate date from which commutation is desired to have effect.

12. The amount of pension already commuted, if any

13. Preference for station where medical examination is desired to take place.

Signature(Name of the Applicant)Postal AddressPlace :Date :Part -II

AcknowledgementReceived from ShriDesignation.....Name

application in Part-I of Form 20 for commutation of a fraction of a pension after medical examination.SignatureDirector(Administration)Place :Date :Part -III The particulars furnished by the applicant in Part-I have been verified and are found correct)SignatureDirector (Administration)Place :Date :Part -IV (to be completed by the Director, Administration)

1. Name of the applicant for commutation.

2. Date of birth (By Christian era).

3. Date of retirement.

4. Amount of pension including provisional pension, if final pension not authorised.

5. Class of pension (See Chapter V of the Khadi & Village Industries Commission Employees (pension) Regulations, 1984).

6. Amount of pension desired to be commuted.

on the basis of Added years Normal Age : 1 year : 2 years Rs. : Rs. : Rs.

7. (i) Sum payable if commutation becomes absolute before the applicant's next birth day, which falls on

(ii) Sum payable if commutation becomes absolute after the applicant's next birth day which falls on.....

8. The Head of Account to which commuted value is debitable.

9. Number of enclosures, if any (See note below)

Signature Director (Administration) Place : Date : Note - The Director (Administration) should enclose with the form a copy of the report or statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation on medical grounds. Form-21 Form Of Letter To The Medical Authority [See Regulation 98(3) and (4) and 105 (5)] (Please see Annexure) No Department/Office Dated the To, The SUB : Medical Examination Commutation Of Pension Shri Who retired from service on as has applied for (designation) commuting a fraction of his pension for a lumpsum payment. The following documents are forwarded herewith: (a) Application in Form 20 in original together with: (i) An unattested copy of the applicant's photograph. (ii) Part-IV of Form 20 in original duly completed by the Director (Administration). (b) A copy of Form 22 with a spare copy of Part-III of that form. (c) Report or the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. It is requested that Shrimay be examined as expeditiously as possible before next birthday which falls on

3. It is requested that arrangements for medical examination maybe made at the nearest available station mentioned by Shrihis application in form 20.

The attention of the medical authority is drawn to the provisions, of Regulation 102 of the Khadi and Village Industries Commission Employees (Pension) Regulations, 1984.

4. It is requested that Shrimay be informed direct under intimation to this office as to where I when he should appear for medical examination. A copy of this letter is being endorsed to him so that he may comply with their instruction on hearing from you.

5. The receipt of this letter may please by acknowledged.

SignatureDirector (Administration)Copy forwarded to Shri.....with remarks that subject to the medical authority recommending commutation, he will be eligible for the lumpsum payment in lieu of the amount of pension to be commuted follows : -On the basis of-----Added year Normal---Age : 1 year : 2 yearRs. : Rs. : Rs.(i)Sum payable if commutation becomes absolute before the applicant's next birthday which falls on(ii)Sum payable if commutation becomes absolute after applicant's next birthday which falls onThe table of the present commutation value on the basis of which the calculation has been made, is subject to alteration at any time out notice and consequently the basis are liable to revision before payment is made. The sum payable will be the sum appropriate to applicant's age on his birth day next after the date on which the commutation becomes absolute or if the medical authority directs years will be added to that age, to the consequent assumed age.Shrishould report for medical examination to the Medical Authority direct at..... He should take with him the enclosed Form 22 with the particulars required in Part-I completed except the signature or thumb or finger/impressions.SignatureDirector (Administration)Form-22Medical Examination By The(here enter the medical authority).[See Regulation 84(1), 92(2), 102(1), (2) and (3), 103(4), 104(1), and (3), 105(2), and 107(1)]Part -IThe applicant for commutation of pension must complete this statement prior to his examination by the.....and must sign the declaration there to in the presence of that authority.(here enter the medical authority)

1. Name of the applicant (in block letters)

2. Date of birth (by Christian era)

3. Place of birth

4. Particulars regarding parents, brothers and sisters :

Father's age if living & state of health	Father's age at death & cause of death	No. of brothers living their ages at state of health	No. of brother of dead their ages at death and cause of death	Mother's age if living and state of health	Mother's age at death and cause of death	No. of sisters living their ages and state of health	No. of sisters dead their ages of death and cause of death
1	2	3	4	5	6	7	8

5. Have you ever been examined-

(a)for Life Insurance, or/and(b)by any Government Medical Officer or State Medical Board.If so, state details and with what results.

6. Have you been granted or considered for grant of invalid pension ? If so, state the ground thereof.

7. Have your ever been granted leave of medical certificate during the last five years? If so, state periods of leave and nature of illness.

8. Have you ever-

(a)had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhoea:or(b)had any other disease or injury which require confinement to bed, or medical or surgical treatment, or(c)undergone any surgical operation or(d)suffered from any illness wound or injury sustained while on active service.(e)Presence of albumen or sugar in urine.

9. Present state of health :

(a)Have you a hernia ?(b)Have you varicocoele, varicose venis or piles?(c)Is your vision in each eye good (with or without glasses)?(d)If your hearing in each ear good ?(e)Have you any congenital or acquired malformation, defect or deformity ?(f)Have you lost or gained weight markedly during the last three years ?(g)Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken.Declaration By Applicant(To be signed in the presence of the medical Authority)I declare all the above answers to be, to the best of my belief, true

and correct. I am fully aware that by wilfully making a false statement or concealing a relevant fact shall incur the risk of losing the commutation I have applied for and having my pension withheld or withdrawn under regulation 7 of the Khadi & Village Industries Commission Employees (Pension) Regulations, 1984. Signed in the presence of Signature & designation of (Medical Authority) Applicant's signature or thumb impression in case of illiterate applicant. Part -II (to be filled in by the examining medical authority)

1. Apparentage

2. Height

3. Weight

4. describe any scar or identifying marks of the applicant.

5. Pulse rate

(a) Sitting (b) Standing What is the character of pulse ?

6. Blood pressure

(a) Systolic (b) Diastolic

7. Is there any evidence of disease of the main organs.

(a) Heart (b) Lungs (c) Liver (d) Spleen (e) Kidney

8. Investigations-

(i) Urine (state specific gravity) (ii) Blood (iii) X-Ray Chest (iv) E.C.G. Has the applicant a hernia ? (If so, state the kind and if reducible). Any additional findings. Part -III (To be filled in by the examining medical authority) I/We have carefully examined Shri/Shrimati/Kumari and am/are of opinion that-He/she is in good/bodily health and has the prospect of an average duration of life. or-He/she is not in good/bodily health and is not a fit subject for commutation, or Although he/she is suffering from he/she is considered a fit/ reject for commutation but his/her age for the purpose of commutation, i.e. the age next birthday should be taken to be for words years more than his/her actual age. Signature and designation of examining medical authority Dated Table Commutation Value For A Pension Of Re. 1 Per Annum (See Regulation 86, 106(b), 105(5) and 106(1)+(2))

Age next Birthday	Commutation Value expressed as	Age next Birthday	Commutation value expressed as number of	Next Birthday	Commutation expressed as number of year's
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	number of year's purchase		year's purchase		purchase
17	19.28	40	15.87	63	9.15
18	19.2	41	15.64	64	8.82
19	19.11	42	15.4	65	8.5
20	19.01	43	15.15	66	8.17
21	18.91	44	14.9	67	7.35
22	18.81	45	14.64	68	7.53
23	18.7	46	14.37	69	7.22
24	18.59	47	14.1	70	6.91
25	18.47	48	13.82	71	6.6
26	18.34	49	13.54	72	6.3
27	18.21	50	13.25	73	6.01
28	18.07	51	12.95	74	5.72
29	17.93	52	12.66	75	5.44
30	17.78	53	12.35	76	5.17
31	17.62	54	12.05	77	4.9
32	17.46	55	11.73	78	4.65
33	17.29	56	11.42	79	4.4
34	17.11	57	11.1	80	4.17
35	16.92	58	10.78	81	3.94
36	16.72	59	10.46	92	3.72
37	16.52	60	10.13	83	3.52
38	16.31	61	9.81	84	3.32
39	16.09	62	9.48	85	3.13

Note : This table is based on a rate of interest of 4.75 per cent per annum and shall stand modified as and when it is modified by the Central Government for the Central Government Employees.