

CCS (Temporary Service) Rules, 1965

Rule-1. Short Title, commencement and application

- (1) These rules may be called the CCS (Temporary Service) Rules, 1965.
- (2) They shall come into force with effect from 1st May, 1965.
- (3) **These rules shall apply to all persons-**
 - (i) who hold a civil post including all **civilians paid** from the defense services estimates under the Government of India and who are under the rule making control of the President, but who do not hold **a lien** or a **suspended lien** on any post under the Government of India or any State Government;
 - (ii) who are employed temporarily in work-charged establishments and who have opted for pensionary benefits.
- (4) **Nothing in these rules shall apply to:-**
 - a) Railway servants
 - b) Government servants not in whole-time employment
 - c) Government servants engaged on contracts
 - d) Government servants paid out of contingencies.
 - e) persons employed in extra-temporary establishments or in work-charged establishments other than the persons employed temporarily and who have opted for pensionary benefits.
 - f) non-departmental telegraphists and telegraph men employed in the Posts and telegraphs Department;
 - g) such other categories of employees as may be specified by the Central Government by notification published in the Official gazette

Rule-2. Definition



- (a) **Appointing Authority** –means in relation to a specified post, the authority declared as such under the CCS (CCA) Rules, 1965.
- (d) **Temporary service**- means the service of a temporary Government servant in a temporary post or officiating service in a permanent post under the Government of India.
- (e) **Defense Services:** - means services under the Government of India in the Ministry of Defence and in the Defence Accounts Departments under the control of the Ministry of Finance (Department of Expenditure) (Defence Division) paid out of the Defense Service Estimates.

Rule-5. Termination of temporary service

- (1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant.
(b) the period of such notice shall be one month.



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Note: - On the termination, the Government servant shall be entitled to the amount of his **pay plus allowances for the period of the notice** at the same rates at which he was drawing them immediately before the termination of his services, for the period by which such notice falls short of **one month**.

Note: -The following procedure shall be adopted by the appointing authority while serving notice on such Government servant under clause (a).

- (i) The notice shall be **delivered or tendered** to the Government servant in person.
- (ii) Where personal service is not practicable, the notice shall be served on such Government servant **by registered post**, acknowledgement due at the address of the Government servant available with the appointing authority.
- (iii) If the notice sent by **registered post is returned unserved** it **shall be published in the Official Gazette and upon such publication**, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.
- 2) Where a notice is given by the appointing authority terminating the services of a temporary Government servant, or where the service of any such Government servant is terminated on the expiry of the period of such notice a **head of Department**, if the said authority is subordinate to him, may, of its own motion or otherwise, re-open the case and after making such inquiry as it deems fit-
 - (i) confirm the action taken by the appointing authority;
 - (ii) withdraw the notice;
 - (iii) reinstate the Government servant in service; or
 - (iv) make such other order in the case as it may consider proper.

Provided that **except in special circumstances**, which should be recorded in writing, no case shall be re-opened under this sub-rule after the expiry of **three months**-

- (i) from the date of notice, in a case where notice is given
- (ii) from the date of termination of service, in a case where no notice is given.

Where a Government servant is reinstated in service under sub-rule (2) the order of reinstatement shall specify –

- (i) the amount or proportion of pay and allowances, if any, to be paid to the Government servant for the period of his absence between the date of termination of his services and the date of his reinstatement.
- (ii) whether the said period shall be treated as a **period spent on duty** for any specified purpose or purposes.

Govt. Decisions

- (a) Reason should not be mentioned in the termination order.
- (b) Service can be terminated during suspension or/and departmental proceeding.
- (c) No formal relieving is necessary on expiry of notice period.



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(d) **Payment of cash equivalent of leave salary**

On termination of service/ Death – Max. **300 days of EL and HPL.**

Resignation/quitting service – Max. **150 days of EL** or half of his credit.

(e) Break in service to be condoned if appointed to another post within the notice period.

Rule-6. Termination of temporary service on account of physical unfitness.

- Notwithstanding anything contained in rule 5, the services of a temporary Government servant may be terminated at any time **without notice on his being declared physically unfit for continuance in service** by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

Rule-10. Terminal gratuity payable to temporary Government servants.

- A temporary Government servant who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for **gratuity** on the same scale as admissible to a permanent Government servant under the **CCS (Pension) Rules, 2021.**
- In the case of a temporary Government servant **who is compulsorily retired from service as a disciplinary measure**, the rate of gratuity payable in his case shall not be less than **two-thirds** of, but in no case exceeding payable on superannuation.
- In the case of a temporary Government servant who retires from service on attaining the age of superannuation or on his being declared to be permanently **incapacitated for further Government service** by the appropriate medical authority, after he has rendered temporary service of not less than **10 years** or who has sought voluntary retirement by giving **three months'** notice in writing on completion of **20 years' service**, according to the provisions of the **CCS (Pension) Rules, 2021-**
 - such a Government servant shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity.
 - in the event of his death after retirement, the members of his family shall be eligible for the grant of family pension.
- In the event of **death of a temporary Govt. servant while in service**, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government servants under the CCS (Pension) Rules, 2021.
- No gratuity shall be admissible under this rule to a Government servant, -**
 - who resigns his post or who is removed or dismissed from service as a **disciplinary measure;**



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- (b) who is re-employed after retirement on superannuation or retiring pension.
- Provided that a temporary Government servant who resigned from service to take up, with prior permission, an appointment under a Corporation or Company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by Government shall be paid **terminal gratuity** at the rate prescribed in respect of the service rendered by him under the Government:
- Provided further that a temporary Government servant who has been **absorbed in a Central autonomous body**, with the permission of the parent department, shall have an option to count the service rendered under the Government for the purpose of pension under the autonomous body if it has a pension scheme, instead of drawing the **terminal gratuity** under the first proviso.

Explanation- For the purpose of this sub-rule –

- (i) "**Central autonomous body**" means a body which is financed wholly or substantially from cess or Central Government grants.
- (ii) "**Financed substantially**" means that more than **50%** of the expenditure is met by cess or Central Government grants.
- 4) **For the purpose of this rule, -**
 - (a) gratuity shall be calculated on the basis of pay which the Government servant was drawing immediately **before his superannuation, discharge/invalidment/absorption in an autonomous body** or on the date of his death and dearness allowance on that pay.
 - (b) '**Pay**' shall mean pay as defined in **Fundamental Rule 9 (21) (a) (i)**.
 - (c) Period of extraordinary leave, if any, availed of by the Government servant concerned shall be taken into account for computing the completed service on the same basis as it is taken into account for the purpose of the calculation of pension and retirement gratuity/death gratuity **under Rule 45 of the CCS (Pension) Rules, 2021**.
 - (d) An increment earned during the currency of earned leave not exceeding **120 days** or **during the first 120 days of earned leave exceeding 120 days expiring on the date of retirement**, though not actually drawn, shall form part of the pay for purposes of calculating terminal/death gratuity.
 - 5) The provisions of rule 10 shall apply to Govt. servants appointed on or before the **31st day of December, 2003**.

Govt. Decisions

- **Half the service paid from contingencies**, followed by regular appointment, count for terminal gratuity.



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