

CCS (Pension) Rules, 2021

Chapter-I Preliminary

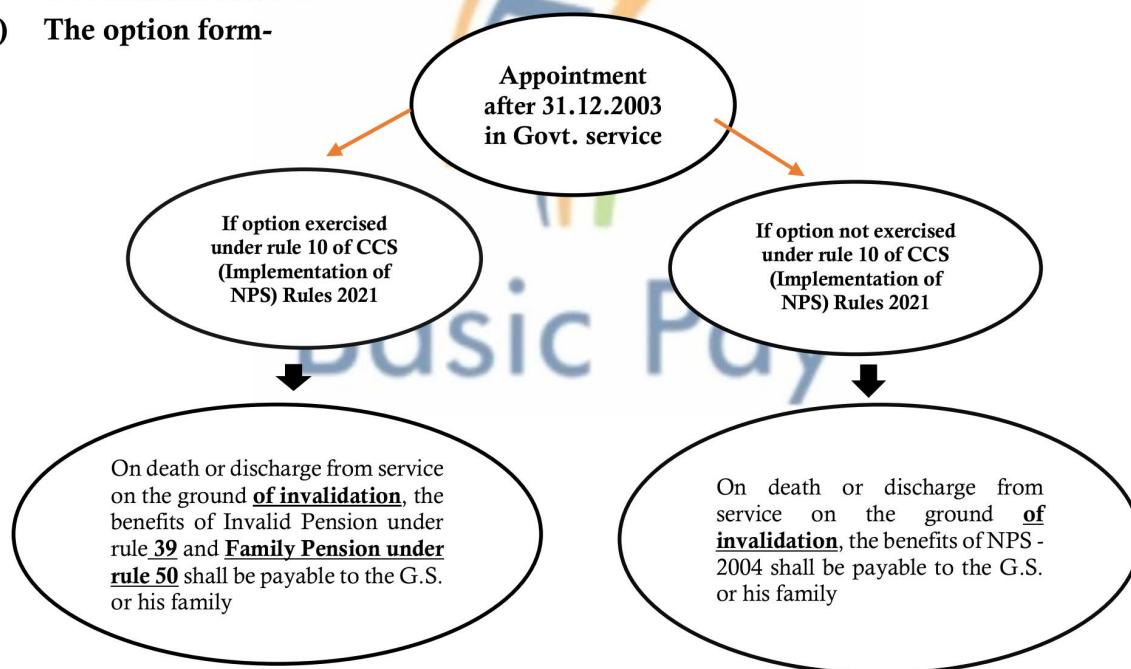
Rule-1. Short Title and commencement

- These rules may be called the CCS (Pension) Rules, 2021.
- These rules come into force from the date **20 December, 2021**

Rule-2. Application

(1) These pension rules apply to-

- (a) All Govt. Servants appointed **on or before 31st Dec. 2003** including Civilian Govt. Servants in the Defense Services, appointed substantively to civil services and posts in borne on pensionable establishments.
- (b) a government servant who was put on induction training on or before 31.12.2003 followed by appointment on regular basis **after 31.12.2003**.
- (c) A person whose temporary status conferred on or **before 31.12.2003** and appointed in Government service.
- (d) **The option form-**



(2) These rule does not apply to: -

- i. Railway Servants,
- ii. Persons in casual and daily rated employment.
- iii. Persons paid from contingencies
- iv. Persons entitled to the benefit of CPF fund.
- v. Members of All India Services
- vi. Persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries.



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vii. Persons employed on contract except when the contract provides otherwise.

Govt. of India's Orders

- 1) No distinction between permanent and temporary employees in the application of Pension Rules.
- 2) Coverage under CCS(Pension) Rules 1972 (Now 2021) in place of NPS, of those Central Govt. Servant employees whose selection for appointment was finalized before 01.01.2004 but who joined Government service on or after 01.01.2004.

Rule-3. Definition

- (a) **Account Officer**- means an officer, whatever his official designation, who maintains the account of Ministry, Department or Office of the Central Government or Union territory and includes an Accountant-General.
- (b) **Allottee**- means a Govt. Servant to whom Government Accommodation has been allotted on the payment of license fee or otherwise.
- (c) **Average emoluments** – Last ten month's average basic pay from date of retirement.
- (d) **Bhavishya- An online system for sanction** of retirement benefits and tracking of sanction and payment of pension by the Government servant and the authorities concerned.
- (e) **Child**- means a son or daughter of the government servant who is eligible to receive Death Gratuity or family pension.
- (f) **Dearness relief** – means a Dearness relief on pension and family pension.
- (g) **Defense service**- means services under the Government of India in the ministry of defense including defense account Department, paid out civil estimates of Ministry of Defense but no subjected, Armed force, Navy and Airforce.
- (h) **Emoluments**: - Basic pay of Govt. Servant.
- (i) **Family pension**: means under rule 50.
- (j) **Foreign Service**- Govt. Servants receives his pay with the sanction of the Govt. from any other source other than the consolidated fund of India.
- (k) **Form**- means a form appended to these rules
- (l) **Format**- means a format appended to these rules
- (m) **Govt. Dues**- means defined under sub-rule (2) of rule 67.
- (n) **Government**: means the Central Government.
- (o) **Gratuity includes**
 - (i) Service Gratuity payable under of Rule 44.
 - (ii) Retirement Gratuity/ death gratuity payable under sub rule (1) of Rule 45.
 - (iii) Residuary Gratuity payable under sub rule (3) of Rule 45.
- (p) **Head of Department**: - means an authority specified in Schedule I to the Delegations of Financial Powers Rules, 1978.
- (q) **Head of Office**: - means a Gazetted officer declared as such under Rule 14 of the Delegation of Financial Powers Rules, 1978.



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- (r) **Local Fund of Administered by Government-** means the fund administered by a body which, comes under control of Government and over whose expenditure the Government retains complete and direct control.
- (s) **Minor-** means a person who has not completed the age of eighteen years.
- (t) **Pension:** - Includes gratuity but not include dearness relief.
- (u) **Pension disbursement Authority means:**
 - (i) Banks selected in consultation with the RBI for payment of pension to civil pensioners.
 - (ii) Post office
 - (iii) Treasury including sub treasury
 - (iv) Account officer.
- (v) **Pension Payment Order-** includes e- Pension payment Order.
- (w) **Qualifying service:** -means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules.
- (x) **Retirement Benefits:** - means includes pension or service gratuity, and retirement gratuity, where admissible.
- (y) **Service book-** includes service rolls, if any.
- (z) **Treasury-** Including sub-treasury.

Rule-4. Govt. servants transferred from services and posts to which these rules do not apply

- (1) Government servant who is transferred permanently to a service or post to which these rules apply from a service or post. If these rules do not apply shall become subject to these rules.
 He shall be open to him, within six months of the date of issue of the order of his permanent transfer to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.
- (2) The option, once exercised, shall be final.

Chapter-II General Conditions

Rule-5. Claims to pension or family pension

- (1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Govt. servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.
- (2) The day on which a Government servant retires or is retired/voluntarily 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.
- (3) If Government servant immediately before his retirement or death was absent from duty on leave or otherwise or was under suspension, the day of retirement or death shall be part of such leave of absence or suspension.



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Rule-6. Limitations on number of pensions

- (a) A Government servant shall not earn **two pensions** in the same service or post at the same time or by the same continuous service.
- (b) Except **persons of armed forces**, No Government servant shall not be entitled to a separate pension or gratuity for the period of his re-employment.

Rule-7. Pension and family pension subject to future good conduct-

- (1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.
- (b) The appointing authority may, by 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 misconduct**.
- (c) where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees **Rs.9000/- (Nine thousand)** per month.
- (2) In a case, if the authority considers that the pensioner is prima facie guilty of grave misconduct, he shall before pass an order-
 - (a) Serve a notice to pensioner specifying misconduct and he can submit his representation against allegation within **15 days** of the receipt of the notice or such further time not exceeding **15 days**, as may be allowed by the said authority.
 - (b) take into consideration the representation, if any, submitted by the pensioner
 - (3) Where the authority competent to pass an order, is the President, the UPSC shall be consulted before the order is passed.
 - (4) The expression "**grave misconduct**" includes the communication or **disclosure of any secret official code or password** or **any sketch, plan, model, article, note, document or information**, such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

Govt. of India's Decisions

- (1) Stoppage or reduction of pension for reasons other than misconduct not permissible.
- (2) Failure/ refusal by pensioner to pay Govt. Dues in not '**misconduct**'.

Rule-8. Right of President to withhold or withdraw pension

- (1) The President reserves to himself the right of **withholding a pension or gratuity**, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government.
- Provided that the USPC shall be consulted before any final orders are passed.

- where a part of pension is withheld or withdrawn the amount of such pensions shall not be reduced below the amount of **Rs.9000/-** per month.
- (2) (a) The departmental proceedings instituted while the Govt. Servant was in service whether his retirement or during his re-employment. Where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its **findings to the President.**
- (b) The departmental proceedings, **if not instituted while the Government servant was in service,** whether before his retirement, or during his re-employment-
- (i) **shall not be instituted** without the sanction of the President,
 - (ii) shall not be in respect of any event which took place more than **four years before such institution.**
 - (iii) Shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceeding.
- (3) In the case of Government servant who has retired on attaining the age of superannuation and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued, the Accounts Officer shall authorize **the provisional pension equal to the maximum pension admissible on the basis of qualifying service up to the date of retirement,** or if he was under suspension on the date of retirement, up to the **date immediately preceding the date on which he was placed under suspension.**
- (4) The provisional pension shall be authorized from the date following the date of retirement up to **final orders** are passed by the competent authority.
- (5) 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.
- (6) Where the President decides to recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding **one-third of the pension** admissible on the date of retirement of a Government servant.
- (7) Final order under **Rule 8** will be issued in the name of **President.**
- (8) Minor penalty proceedings have **no effect on pension.**
- (9) **No gratuity shall be paid to Govt. servant until** the conclusion of the Departmental or judicial proceeding and issue of final order thereon.
- (10) If the proceeding instituted under Rule 16 of CCS (CCA) Rules, 1965, the payment of Gratuity to be paid to the Govt. Servant.

Rule-9. Commercial employment after retirement.

- (1) If a pensioner who immediately before his retirement was a member of Central Service Group 'A' wishes to accept any commercial employment before the expiry of **one years**



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from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance.

- “**Commercial employment**” means-an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business.
- (2) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within **thirty days** of the receipt of the order make a representation against any such condition or refusal.

Rule-10. Employment after retirement under a Government outside India

- (1) If a pensioner, who immediately before his retirement was a member of **Central Service, Group 'A'**, wishes to accept any employment under any Government **outside India**, he shall obtain the **previous permission** of the Central Government for such acceptance, and
- (2) **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 of such period.

Chapter-III (Qualifying Service)

(Rule 11 to 30)

Rule-11. Commencement of qualifying service

- (1) Qualifying service of a Govt. Servant shall be commenced from **the date he takes charge of the any post to which he is first appointed** either substantively or in an officiating or temporary capacity.
- (2) The officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post, **treated as qualifying service**.
- (3) Service rendered before attaining **the age of 18 years** shall not count, except in the cases of counting of military service for civil pension under rule 20.

Rule-12. Conditions subject to which services qualifies.

- (1) The service of a Govt. Servant shall **not qualify**, unless his duties and pay are regulated by the Government.
- (2) “**service**” means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government.
- (3) Counting **half of the service** paid from temporary status with regular service.
- (4) Counting of service rendered in Central Government autonomous bodies before their take-over by Central Government.

Rule-13. Service in State Governments: -

- (1) Govt. Servant of State Govt., who was initially appointed in a pensionable establishment of the State Govt. on or before 31.12.2003 and who is **permanently transferred to a service or post** to which these rules apply, the continuous service rendered under the State



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Government in an officiating or temporary or substantive capacity shall be treated as qualify service.

- (2) Government servant belonging of State Government who is appointed with proper permission to a service or post under the Central Government to where these rules apply after acceptance of his resignation. The whole service under state govt. shall be treated as qualify.
- (3) The liability for pension and gratuity in cases shall be borne by the Central Government and no recovery of proportionate pension shall be made from the State Government.

Rule-14. Service in autonomous bodies

- (1) In the case of a person who was initially appointed, on or before 31.12.2003, in an autonomous body under the Central Govt. or a State Government and appointed after resignation to post or service which these rules apply, the service rendered under the said body shall qualify subject to the following conditions, namely.
 - (a) the appointment of that Government servant in an officiating or temporary capacity in the Central Government is followed without interruption by substantive appointment.
 - (b) The Govt. Servant is not drawing a separate pension from the said autonomous body for the service rendered in that body before acceptance of resignation.
- (2) Service rendered in a PSU, including nationalized bank and financial institution, before appointment in the Central Government shall not count as qualifying service for the purpose of these rules.

Rule-15. Service rendered in temporary status by casual labourers

- Fifty percent (50%) of the service rendered in 'temporary status' capacity by the Govt. servant, who was conferred temporary status before 31.12.2003.

Rule-16. Counting of service on probation: -

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

Rule-17. Counting of service as apprentice: -

- Service as an apprentice shall not qualify, except in the case of SAS apprentice in the Indian Audit and Accounts Department or the Defence Accounts Department.

Rule-18. Counting of service on contract: -

- A person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed on or before 31.12.2003 to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty.

Rule-19. Counting of pre-retirement civil service in the case of re-employed Govt. servant: -

- If any Govt. servant, who having retirement on compensation pension or invalid pension, is re-employed and appointed to a substantive post, on or before 31.12.2003 to a service or post to which these rules apply and-



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- (1) If he draws the pension and retain gratuity sanctioned from his earlier service, former service shall not count as qualifying service.
- (2) If a Govt. servant refund retirement gratuity, amount of commutation and pension he was drawn, the previous service shall be count as qualifying service.
- (3) If Govt servant want to refund the pension, gratuity and commutation amount and pension he was drawn, he can refund the whole of amount in maximum thirty-six instalments.

Rule-20. Counting of military service rendered before civil employment

- (1) If a Govt. Servant to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military services shall not count as qualifying service.
- (2) If a Govt. servant refund retirement gratuity, amount of commutation and pension he was drawn, the previous service shall be count as qualifying service.
- (3) Re-employed military pensioners should exercise option under Rule 19 (1) within one year from the date of reemployment.
- (4) Pensionary benefits received for the past service should be refunded with interest from the date of their receipt to the date of refund at the rate applicable on GPF accumulation from time to time.

Rule-21. Counting of periods spent on leave.

- All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service;
 - EXOL other than on medical certificate granted by the appointing authority may allow the period of that leave to count as qualifying service -
- (1) due to his inability to join or re-join duty on account of civil commotion.
 - (2) for prosecuting higher scientific and technical studies.

Explanation

- 1) In the case of EXOL other than EXOL granted on medical certificate and EXOL leave allowed to be counted as qualifying service under proviso to this rule, at the time of grant of such leave, a definite entry shall be made in the service book of the Government servant to the effect that the period of extraordinary leave shall not be treated as qualifying service.
- 2) such an entry in the service book, if not made at the time of grant of extraordinary leave, can be made subsequently but not later than six months before the date of retirement of the Government servant on superannuation and if no such entry is made in the service book, the period of extraordinary leave shall be treated as qualifying service.



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Rule-22. Counting of periods spent on training: -

- (1) In the case of a Govt. Servant who was required to undergo a departmental training before regular appointment to a Group C post, the period of such training shall count as qualifying service if he received pay & allowance or stipend.
- (2) If not covered under sub rule (1), The Government may, by order, decide whether the time spent by a Government servant under training immediately before appointment to service under that Government shall count as qualifying service.
- (3) Where time spent by a G.S. under training immediately before appointment to service under that Government is counted as qualifying service, interruption due to the training and regular appointment being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be counted as qualifying service.
- (4) Where the period of interruption is in excess of joining time due to administrative reasons, such period of interruption in excess of joining time shall be regularized by grant of leave of the kind due or, if no such leave is due, by grant of EXOL by the Head of Department and the period of interruption regularized by grant of EXOL leave shall be counted as qualifying service.

Rule-23. Counting of periods of suspension: -

- (1) Time passed by a Government servant under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified.
- (2) In cases not covered under sub rule (1), the period of suspension shall not count as qualifying service unless the authority competent to pass orders as the Competent Authority may declare.
- (3) In all cases of suspension, the competent authority shall pass an order specifying that, if any, the period of suspension shall count as qualifying service and a definite entry shall be made in the service book of the Government servant in this regard. Need for making proper entries for counting of periods of suspension.
- (4) Suspension should be held wholly unjustified when the proceedings end with minor penalty.

Rule-24. Forfeiture of service on dismissal or removal

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

Rule-25. Counting of past service on reinstatement

- (1) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.



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- (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 regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

Rule-26. Forfeiture of service on resignation

- (1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.
- (2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.
- (3) If Govt. servant want to withdraw his resignation, he can submit an application within 90 days from the acceptance of resignation, that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.
- (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.
- (5) When resignation is a “technical formality” – the benefits of technical resignation are as under: -
 - a) the benefits of past service.
 - b) Fixation of pay purpose.

Rule-27. Effect of interruption in service

- (1) An interruption in the service of a government servant entails forfeiture of his past service, except in the following cases, namely: -
 - (a) authorized leave of absence
 - (b) unauthorized absence in continuation of authorized leave of absence so long as the post of absentee is not filled substantively.
 - (c) Suspension, where it is immediately followed by reinstatement.
 - (d) joining time while on transfer from one post to another.
- (2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

Rule-28. Condonation of interruption in service

- (1) In the absence of a specific indication in the service book, an interruption between two spells of civil service rendered by a Government servant under Government shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.



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- (2) The interruption caused by resignation, dismissal or removal from service or for participation in a strike, shall not apply under sub rule (1).
- (3) The **period of interruption** shall **not count as qualifying service**.
- (4) The appointing authority may consider condonation of interruption in service and to treat the pre-interruption service as qualifying service.
- (5) The appointing authority may take a decision not to condone interruption in service only in **exceptional and grave circumstances**.

Rule-29. Deputation to United Nations and other organizations.

A Government servant who is deputed on foreign service to the UN Secretariate or other UN bodies and other organizations, may opt-

- (1) to pay the pension contributions in respect of his foreign service and **count such service as qualifying for pension** under these rules.
- (2) not to pay the pension contributions in respect of his foreign service and **not count such service as qualifying for pension** under these rules

Rule-30. Verification of qualifying service after eighteen years' service and five years before retirement.

- (1) On a Govt. Servant completing **eighteen years** of service on his being left with **five years** of service before the date of retirement, whichever is earlier.
- (2) The verification done under this rule shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules.
- (3) **By 31st January of each year**, a report shall be submitted to the Secretary of the Administrative Ministry or Department giving the details of the Government servants who were required to be issued a certificate of qualifying service during the **previous calendar year**.

Chapter IV- Emoluments and average emoluments (Rule 31 to 32)

Rule-31. Emoluments: -

- (1) Basic pay as defined in **Rule 9 (21) (a) (i)**, which a Govt. servant was receiving immediately before his retirement or on the date of his death, and will also include NPA granted to medical officer in **lieu of private practice**.

Govt. of India's Decisions

- a) Stagnation increment shall be treated as emoluments for calculation of retirement benefits.
- b) Grant of Notional increment on 1st July/1st January to the employees who are retired from central Govt. service on 30th June/ 31st December respectively, shall be reckoned only for the purpose of calculating the pension admissible and **not for** the purpose of calculation of other pensionary benefits.



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- (2) Where a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period where of does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall form part of his emoluments.
- (3) Where a Government servant immediately before his retirement or death while in service, was on leave, and earned an increment, though not actually drawn, shall form part of his emoluments.
- (4) Where a Government servant dies during the currency of a penalty which has the effect of reducing his pay only during the currency of that penalty and on expiry of which he would have regained the pay admissible to him without any impact of the said penalty, the notional pay on the date of death ignoring the effect of such penalty shall be treated as emoluments.
- (5) D.A. to be treated as "emoluments" for all types of gratuities.

Rule-32. Average Emoluments

- (1) Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.
- (2) Determination of the period of ten months for Average Emoluments

Period			Year	Months	Days
17-9-2018 to 30-9-2018	0	0	14
1-10-2018 to 30-6-2019	0	9	0
1-7-2019 to 16-7-2019	0	0	16

- **Illustration:** A Government servant retires on 16th July, 2019. The last ten months comprise nine full months and fractions of 14 days of September, 2018 and sixteen days of July, 2019. The emoluments for fractional periods shall be computed by multiplying the emolument by the factor 14/30 and 16/30 irrespective of the number of days in the month. This formula shall also apply in the case of the month of February, irrespective of whether the month has 28 days or 29 days.

Chapter V- (Classes of pensions and conditions governing their grant)

(Rule 33 to 41)

Rule-33. Superannuation pension or service Gratuity

- A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement. If a Govt. servant rendered service not less than 5 years and not exceeding 10 years, granted service gratuity to Government servant on superannuation.
- Retirement on the afternoon of last day of the month in which superannuation falls if the



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date of birth of Govt. servant is **second day and more of the month.**

- If any Govt. servant Date of birth is **1st day of the month**. He will be retired **last working day of previous month.**

Rule-34. Retiring pension

- A retiring pension or retiring service gratuity, as the case may be, shall be granted in accordance with rule 44, to a Government servant, -
- (1) If a Govt. servant who retires, or is retired, in advance of the **age of compulsory retirement** in accordance with the provisions of Rule 42 and Rule 43 of these rules and FR 56.
- (2) A Govt. servant who, on being declared surplus, opts for VRS with the provisions.

Rule-35. Pension on absorption in or under a State Government

- (1) A Government servant, who has been permitted to be absorbed in a service or post in or under a State Government, shall be deemed to **have retired from service** under the Central Government from the date of such absorption.
- (2) he shall be eligible, on such absorption, **to receive pension or service gratuity**, as the case may be, and **retirement gratuity on the basis of the qualifying service and emoluments on the date of absorption.**

Rule-36. Pension on absorption in or under a corporation, company or body

- (1) A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company, shall be deemed to have retired from service from the date of **such absorption.**
- (2) he shall be eligible, on such absorption, to receive pension or service gratuity, as the case may be, and retirement gratuity on the basis of the qualifying service and emoluments on the date of absorption.

Rule-37. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a PSU-

- (1) On conversion of a department of the Central Government into a PSU all G.S. of that Department shall be transferred en-masse to that PSU, on deemed deputation on terms of foreign service without any deputation allowance till such time as they get absorbed in the said sector.
- (2) The PSU shall frame its rules and regulations within a time **frame not exceeding five years.**
- (3) all Government servants on deemed deputation shall be asked, within a period not **exceeding three months** from the date of notification of the rules and regulations by the PSU, to exercise their option to revert back to the Government or to seek permanent absorption in the PSU.



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- (4) In case, a Government servant, does not exercise any option within the prescribed time limit, shall be deemed to have opted for permanent absorption in the PSU.
- (5) The employees who opt to revert to Government service shall be repatriated to the Government within two years from the date of exercise of the option and shall be redeployed through the surplus cell of the Government.
- (6) The period between the date of option and the date of reversion to the Government shall continue to be on deemed deputation on terms of foreign service without any deputation allowance.
- (7) The pensionary benefits in respect of such employee shall be drawn and paid in the manner to be specified by the administrative Ministry of the PSU.

Rule-38. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central Autonomous Body

All Provisions Same as Rule 37

Rule-39. Invalid Pension: -

- (1) The case of a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable.
- (2) Such govt. employee shall produce a disability certificate from the competent Authority as prescribed under the provisions.
- (3) If a Government servant, in a case where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are not applicable.
- (4) Intends to retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, he may apply to the Head of Department for retirement on Invalid Pension.
- (5) A Government servant, who retires from service even before completing qualifying service of 10 years, shall also be granted invalid pension at the rate of 50% of emoluments or average emoluments, whichever is more beneficial to him.

Rule-40. Compulsory Retirement pension:

- (1) A Government servant compulsorily retired from service as a penalty measure, pension or gratuity or both at a rate not less than two-thirds and not more than full superannuation pension.
- (2) The order regarding the quantum of pension and gratuity to be granted under sub-rule (1) may be issued simultaneous with the order of imposition of penalty of compulsory retirement.
- (3) A pension or provisional pension granted or awarded, as the case may be, shall not be less than the amount of Rupees 9000/- per mensem.



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Rule-41. Compassionate Allowance

- (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity.
- (2) The authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two - thirds of pension or gratuity or both which would have been admissible to him if he had retired on superannuation pension.
- (3) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of Rupees 9000/- per mensem.

Chapter-VI-Premature Retirement and Voluntary Retirement

(Rule 42 to 43)

Rule-42. Retirement on completion of 30 years' qualifying service

- (1) At any time after a Govt servant has completed a qualifying service of 30 years, he may be required by the appointing authority to retire in the public interest, on a retiring pension.
- (2) The appointing authority may give a notice in writing to a Govt. Servant at least 3 months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

Rule-43. Retirement on completion of 20 years' qualifying service.

- (1) At any time after a Govt. Servant has completed 20 years' qualifying service, he may, by giving notice of not less than 3 months in writing to the appointing authority retire from service on a retiring pension.
- (2) The notice of voluntary retirement given under this rule, shall require acceptance by the appointing authority. where the appointing authority does not refuse to grant the 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) The appropriate appointing authority may withhold permission to a G.S. who seeks to retire under this rule in the following circumstances, -
 - a) If the Government servant is under suspension
 - b) If a charge sheet has been issued and the disciplinary proceedings are pending.
 - c) If judicial proceedings on charges which may amount to grave misconduct, are pending.
- (4) The request for withdrawal shall be made not less than 15 days before the intended date of voluntary retirement.

Chapter VII- (Regulation of Amounts of pension and Gratuity)

(Rule 44 to 49)

Rule-44. Amount of pension.

- (1) A Government servant, who retires under rule 33, rule 34, rule 35, rule 36, rule 37, rule 38 or rule 39, after completing a qualifying service of not less than ten years, shall become



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eligible for grant of a pension calculated at **50% of emoluments or average emoluments**, whichever is more beneficial to him, subject to a minimum of **Rs.9000/- per month** and maximum of **Rs. 1,25,000/- per month**.

- (2) A Government servant, who retires from service even **before completing qualifying service of ten years**, shall also be granted **invalid pension** and, in his case, the amount of pension shall also be calculated at **50% of emoluments or average emoluments**, whichever is more beneficial to him.
- (3) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of **ten years (10 years)**, the amount of **service gratuity** shall be calculated at the rate of **half month's** emoluments for every **completed six-monthly** period of qualifying service.
 - **For example:** a Govt servant rendered service before retirement 7 years= 14 complete six month and Emolument **(Basic Pay+ D.A) = 20000/-**

$$\text{Service Gratuity} = 10000 \times 14 = 140000/-$$

- (4) In addition to pension admissible, after completion of eighty years of age or above, **additional pension or Compassionate Allowance** shall be payable to the retired Government servant in the following manner: -

Age of Pensioner	Add. pension/Add. Compassionate Allowance
From 80 years to less than 85 years	20% of basic pension
From 85 years to less than 90 years	30% of basic pension
From 90 years to less than 95 years	40% of basic pension
From 95 years to less than 100 years	50% of basic pension
100 years or more	100% of basic pension

Note: - The Additional quantum of pension/ family pension or **Compassionate Allowance**, on attaining the age of 80 years and above, would be admissible from the **1st day of the month** in which his date of birth falls.

- **Illustration:** A pensioner born on 20th August, 1942 shall be eligible for additional pension at the rate of **twenty percent of the basic pension with effect from 1st August, 2022**. A pensioner born on 1st August, 1942 shall also be eligible for additional pension at the rate of **twenty percent of the basic pension with effect from 1st August, 2022**.

(5) Calculation of Half year

Less than 3 months	= Nil
Equal to 3 month and less than 9 months	= 1 completed six months
Equal to 9 months Above	= 2 completed six months

- (6) In case of a Govt. servant who has rendered a qualifying service of 9 years and 9 months or more but less than 10 years, his qualifying service for the purpose shall be 10 years and he will be eligible for pension accordance with sub-rule 1 of Rule 44.



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- (7) All Benefits of retirement will be rounded off in **next higher rupees**.

Rule-45. Retirement and Death Gratuity.

- (1) A Government servant, who has completed **five years'** qualifying service and has become eligible for **service gratuity** or pension under **Rule 44**, On his retirement, be granted **retirement gratuity** equal to **one-fourth** of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of **16½ times the emoluments**.
- (2) If a Govt. servant dies while in service, the death gratuity to be paid his family as per below table:-

Length of Qualifying service	Rate of Death Gratuity
Less than one year	2 times of emoluments.
One year or more but less 5 years	6 times of emoluments.
5 years or more but less than 11 years	12 times of emoluments.
11 years or more but less than 20 years	20 times of emoluments
20 years and more	Half month's emoluments for every completed six-monthly period of qualifying service subject to maximum of 33 times of emoluments.

- (3) **Residuary Gratuity**

If a Government servant, who has become eligible for a **service gratuity** or pension, dies **within five years** from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad hoc increase, if any, together with the **retirement gratuity** admissible under sub-rule (1) and the **commuted value of any portion** of pension commuted by him are less than the amount equal to **12 times of his emoluments**, a **residuary gratuity** equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of **Rule 47**.

- (4) **For example**, If a Govt servant had died after retirement within 5 years from the date of retirement. Up to the date of death of Govt servant following pensionary benefits had been received by him. Calculate the Residuary Gratuity from following particulars-

Emoluments- Basic Pay+ DA= 70000/-

Qualifying Service up to date of Retirement = 10 years.

Retirement Gratuity Paid = 4,90,000/-

Commutation value Paid = 1,85,000/-

Pension drawn up to date of death= 1,35,000/-

Ans.

Total Sum Received= 4,90,000+1,85,000+1,35,000=8,10,000/-

12-month emoluments= 70,000x12= 8,40,000/-



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Residuary Gratuity= 12 months emoluments - Total sum received

Residuary Gratuity = 8,40,000-8,10,000=30,000/-

- (5) The amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed **Twenty-Five lakhs (25,00,000/-)** rupees **w.e.f. 01.01.2024**. Before 01.01.2024 the ceiling of death or retirement gratuity was Rs. **20,00,000/-**
- (6) Temporary Government servant with less than **ten years'** service who retires on superannuation, discharged from service, etc., is eligible for gratuity as for permanent Government servant.
- (7) For the purpose of this rule and Rule 46, 47, 48 and 49, **family** in relation to a Govt. servant means.
 - (i) **wife or wives including judicially separated wife or wives** in the case of a male Government servant,
 - (ii) **husband, including judicially separated husband** in the case of a female Government servant,
 - (iii) sons including stepsons and adopted sons,
 - (iv) unmarried daughters including stepdaughters and adopted daughters,
 - (v) widowed daughters including stepdaughters and adopted daughters,
 - (vi) **father**- including adoptive parents in the case of individuals whose personal law permits adoption
 - (vii) **mother** - including adoptive parents in the case of individuals whose personal law permits adoption,
 - (viii) **brothers** including stepbrothers who are suffering from any disorder or disability of mind including the mentally retarded or physically crippled or **disabled without any limit of age** and brothers, including stepbrothers, below the age **of eighteen years, in other cases**,
 - (ix) unmarried sisters and widowed sisters including stepsisters,
 - (x) married daughters, and
 - (xi) children of a pre-deceased son.

Rule-46. Nomination.

- (1) A Govt. Servant shall, on his initial confirmation in a service or post, make a nomination in Form-3, as may be, conferring on **one or more persons the right to receive** the retirement gratuity/death gratuity payable under Rule 45.
- (2) The Government servant has a family, the nomination shall **not be in favour of any person or persons other than the members of his family**.
- (3) The Govt. Servant has no family, the nomination may be made in favor of a person or persons, or a body of individuals, whether incorporated or not.
- (4) The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant, where he has only one member in



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his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an **additional member in the family**, as the case may be.

- (5) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the Head of Office.
- (6) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.
- (7) Nomination made by an **unmarried Government servant**, he made nomination in favor of any member of his family, shall not become invalid on his or her marriage, unless the Government servant cancels the earlier nomination and files a fresh nomination.
- (8) A duly signed copy of the nomination form shall be returned to the Government servant for keeping it in his safe custody.

Rule-47. Persons to whom gratuity is payable.

- (1) (a) The gratuity payable under rule 45 shall be paid to the person or persons whom the right to receive the gratuity is conferred by means of a nomination under Rule 46.
 (b) If no nomination made or nomination made does not subsists, by govt. employee, the gratuity shall be paid as per the details given in the provisions of sub-rule 6 of rule 45, to **all member in equal shares**.
- (2) The payment of minor's share of gratuity shall be made to the natural guardian of the minor, if any. In the absence of natural guardian, the payment of minor's share of gratuity shall be made to the person who **furnishes the certificate of guardianship**.
- (3) In the absence of natural guardian, the payment an amount **not exceeding 20% of minor's share of gratuity** shall be made to guardian without guardianship certificate but on production of an indemnity bond in Form 7 and the payment or share of minor's **is exceeding of 20% of gratuity may** be paid to guardian on **the production of a certificate guardianship**.

Rule-48. Debarring a person from receiving gratuity.

- If a person who in the event of death of a G.S. while in service is eligible to receive gratuity, **is charged with the offence of murdering the Government servant** or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

Rule-49. Lapse of Retirement and Death Gratuity.

- (1) Where a government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and –
 - a. as made no nomination, or
 - b. the nomination made by him does not subsist,
 • The amount of retirement gratuity/death gratuity payable in respect of such Government



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servant under **Rule 45** shall lapse to the Government.

- Provided that the amount of death gratuity/retirement gratuity shall be payable to the person in whose favor a **Succession Certificate in respect of the gratuity** in question has been granted by a Court of Law.

Chapter -VIII Family pension
(Rule 50 to 51)

Rule-50. Family Pension

- (1) Family pension is admissible where a Govt. servant dies-
 - (a) After completion of **one year of continuous service**
 - (b) **before completion of one year of continuous service**, provided the deceased Government servant concerned immediately prior to his appointment to the service or post was **examined by the appropriate medical authority and declared fit by that authority for Government service**.
 - (c) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in these rules.
 - (d) the family of the deceased shall be entitled to a family pension from the date following the date of death of the Government servant or the retired Government servant, as the case may be.
 - (e) the family pension shall be determined at a uniform rate of 30% of Basic Pay subject to minimum **Rs.9000/- per men sum and maximum of Rs. 75000/- per month**.
 - (f) Where a government servant, who dies while in service, the rate of family pension **50 %** of the pay last drawn and payable from the date following the date of death of the Govt. servant for a period of **ten years. (Enhance rate)**
 - (g) In the event of death of a Govt. Servant after retirement, the family pension shall be payable for a period of **seven years**, or for a period up to the date on which the retired deceased Government servant would have attained the age of **67 years** had he survived, whichever is less: **(Enhance rate)**
 - (h) The amount of family pension payable (**Enhance Rate means 50% of Last Drawn**) shall be subject to a minimum of Rs.9,000/- per mensem and a maximum of **Rs.1,25,000/- per mensem**.
- (2) In addition to family pension admissible, after completion of eighty years of age or above, additional family pension shall be payable in the following manner: -

Age of family Pensioner	Addition pension.
From 80 years to less than 85 years	20% of basic pension
From 85 years to less than 90 years	30% of basic pension
From 90 years to less than 95 years	40% of basic pension
From 95 years to less than 100 years	50% of basic pension
100 years or more	100% of basic pension



Note- The additional family pension shall be payable from first day of the calendar month in which it falls due.

- Provided that in no case a family pension shall be allowed in excess of the **maximum Rs. 75,000/-**

(3) The family pension shall be payable to the members of the family of the deceased Government servant or pensioner in the following order, namely-

S. No.	Family pension payable and Condition of payment of family pension.
1.	<p>widow or widower, (including a post-retiral spouse and judicially separated wife or husband)</p> <ol style="list-style-type: none"> 1) Up to the date of death or re-marriage, whichever is earlier and the eligibility of widow or widower for family pension shall not be affected by the amount of her or his income from other sources. 2) Childless widow, on re-marriage by the childless widow, family pension shall continue to be payable to her, if her income from all other sources is less than the amount of minimum family pension. 3) Where more widows than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, her share of the family pension shall become payable to her child or children who fulfil the eligibility conditions. 4) Judicial separated wife's / Divorced wife's children are eligible for family pension in equal share subject to fulfil the conditions. 5) Judicial separated spouse also eligible for family pension after the child ceases to be eligible for family pension till her death or re-marriage which is earlier.
2.	<p>Children (including adopted children, step children and children born after retirement of the pensioner),</p> <ol style="list-style-type: none"> 1) In the case of a son (other than a son suffering from a mental or physical disability) (including adopted son, step son and son born after retirement of the pensioner) unmarried, below the age of 25 years and not earning his livelihood. 2) In case of unmarried daughter family pension shall be payable beyond the age of 25 years till the date of marriage or till the date she starts earning equal to or higher than the minimum prescribed family pension only after all other eligible member for family pension. 3) In the case of a widowed or divorced or abandoned daughter (other than a daughter suffering from a mental or physical disability) (including adopted

	<p>daughter, step daughter) for life or up to the date of her re-marriage or till her income for her livelihood or death, whichever is the earliest.</p> <p>4) In the case of a son or daughter suffering from a mental or physical disability (including adopted son or daughter, step son or daughter and son or daughter born after retirement of the pensioner) after the 25 years of age or not earning his or her livelihood.</p> <p>5) Where a deceased Government servant or pensioner leaves behind more children than one, family pension shall first be payable to children below the age of 25 years, who fulfil the eligibility conditions for grant of family pension, in the order of their birth.</p> <p>6) The elder child shall be entitled to the family pension till he or she has attained the age of 25 years or has got married or remarried or has started earning his or her livelihood, whichever is the earliest and the younger of the children will be eligible for family pension after the elder next above him or her has attained the age of 25 years or has got married or remarried or has started earning his or her livelihood or has died.</p>
3.	<p>Dependent parents (including adoptive parents) of the deceased Government servant or pensioner,</p> <p>1) The family pension, wherever admissible to parents will be payable to the mother of the deceased Government servant or pensioner failing which to the father of the deceased Government servant or pensioner.</p>
4.	<p>Dependent siblings (i.e., brother or sister) of the deceased Government servant or pensioner, suffering from a mental or physical disability,</p> <p>1) Such a sibling shall be eligible for family pension for life in the same manner and subject to same eligibility in the case of son or daughter of a Government employee, earn a living even after attaining the age of 25 years.</p> <p>2) sibling suffering from a mental or physical disability shall be deemed to be dependent on the Government servant if his or her overall income from sources other than family pension is less than the entitled family pension.</p> <p>3) Provided that the family pension to such sibling shall be payable if the disability existed before the death of the Government servant or pensioner.</p> <p>Note-A sibling suffering from a mental or physical disability shall be deemed to be dependent on the Government servant if his or her overall income from sources other than family pension is less than the entitled family pension.</p>

- (4) Where the family pension is payable to twin children, it shall be paid to such children in equal shares irrespective of their sex.



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- (5) In case, **both wife and husband are Government servants** and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the **two-family pensions in** respect of the deceased parents.
- (6) The amount of both the family pensions shall be limited to 1,25,000/- rupees per mensem in case of enhance rate or in case of normal family pension shall be limited to 75,000/- rupees per mensem.

Rule-51. Entitlements of family of a missing Government servant or pensioner or family pensioner

- (1) In the case of a pensioner who goes missing, family pension shall be payable to **an eligible member or members of the family** at a rate specified.
- (2) The family pension shall be payable from **the date following** the date up to which pension has been paid to the pensioner who went missing or from the date on which a report was lodged with the concerned Police Station in the form of FIR, whichever is later.
- (3) The payment of family pension and the amount of gratuity shall not be made before the expiry of a period of **six months from** the date of lodging of report with the concerned Police Station.
- (4) If the payment of gratuity is delayed and the delay is attributable to administrative lapses or reasons, interest shall be payable for the period of delay **beyond a period of six months from the date of submission of claim** and responsibility shall be fixed for such delayed payment of gratuity.
- (5) In the case of a Government servant who goes missing, death gratuity shall become payable after the **death of the Government servant is conclusively established** or on expiry of a period of **7 years from the date of lodging of the report** with the police, whichever is earlier.

Chapter IX-Dearness Relief

Rule-52. Dearness Relief on Pension and Family Pension

- **Dearness** Relief may be granted to the pensioners, including the persons drawing **compassionate allowance** and **family pensioners** in the form of dearness relief at such rates and subject to such conditions as the Central Government may specify from time to time.

Chapter-X

(Determination and authorization of the amounts of pension and Gratuity)

Rule-53. Processing of pension cases in the online pension sanctioning system

- (1) The pension case of Government servant shall be processed through “**Bhavishya**” unless exempted by special or general order.



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- (2) In the case of a department or office or person exempted from the purview of "Bhavishya", the details or documents in respect of the person due to retire shall be transmitted in physical mode and his pension case shall be processed manually.
- (3) In a case or cases where a particular action or activity cannot be performed under Bhavishya, such action or activity shall be performed manually.

Rule-54. Preparation of list of Government servants due for retirement

- (1) Every Head of Department shall have a list prepared by **15th day of every month**, of all Government servants who are due to retire within the next **fifteen months of that date**.
- (2) A copy of every such list shall be supplied to the Accounts Officer concerned before **the last day of every month**.
- (3) In the cases of a Government servant retiring for reasons **other than by way of superannuation**, the Head of Office shall inform the Accounts Officer concerned not later than **10 days** from the date of issue of order regarding retirement of Government servant.

Rule-55. Intimation to the Directorate of Estates regarding issue of "No Demand Certificate"

- Immediately after preparing the list of Government servants due to retire within the **next 15 months**, the Head of Office shall obtain from each such Government servant, who was or is in occupation of a Government accommodation details and shall send these details to the Directorate of Estates, at least **one year before** from the date of retirement for issuing a '**No demand certificate**' in respect of the period preceding **eight months** of the retirement of the allottee.

Rule-56. Preparation of pension paper: -

- Every Head of Office shall undertake the preparatory work for processing of pension case **one year before the date** of superannuation, or on the date on which he proceeds on leave preparatory to retirement, **whichever is earlier**.

Rule-57. Stages for the completion of pension papers on superannuation.

- (1) The Head of Office shall divide the period of preparatory work of **one year** referred to in Rule 56 in the following three stages, namely-
 - a) **First Stage-** Verification of service.
 - i. the Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the service subsequent to the service verified under rule 30 are recorded therein.
 - ii. If any in respect of the unverified portion or portions of service, he shall verify the portion or portions of such service, as the case may be, based on pay bills, acquittance rolls or other relevant records, such as last pay certificate and pay slip for month of April and record necessary certificates in the service book.
 - b) **Second Stage-** Making Good omission in the service book



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- (i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.
- (ii) for the purpose of calculation of emoluments and 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.
- c) **Third Stage-** As soon as the second stage is completed, but not later than eight months prior to the date of retirement of the Government servant, the Head of Office shall-
 - I. Furnish to the retiring Government servant a certificate regarding the length of qualifying service proposed to be admitted for the purpose of pension and gratuity and also the emoluments and the average emoluments proposed to be reckoned for retirement gratuity and pension.
 - II. Direct the retiring Government servant to furnish to the Head of Office the reasons for non-acceptance, supported by the relevant documents in support of his claim within 2 months if the certified service and emoluments as indicated by the Head of Office are not acceptable to him.
 - III. Advise the retiring G.S. to submit **Form 4** and **Form 6** along with an undertaking to the Bank in Format 9, a common nomination form for arrears of pension and commuted value of pension in Form A appended to the Payment of Arrears of Pension (Nomination) Rules, 1983 and an option form for availing Fixed Medical Allowance or out-patient medical facility provided by the Government, not later than six months prior to his date of retirement.
- (2) Where the Head of Office is satisfied that the Government servant is not in a position to submit the forms, on account of any bodily or mental infirmity, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, the member of the family eligible to receive family pension on death of Government servant, to submit Form 4 and Form 6.
 - Where the said forms are submitted by the spouse or any other member of the family, the Government servant shall not be entitled to the benefit of commutation of a percentage of pension until he himself subsequently applies for such commutation in accordance with the CCS (Commutation of Pension) Rules, 1981.

Rule-58. Submission of forms by Government servant retiring for reasons other than superannuation-

- (1) A Government servant, retiring for reasons other than superannuation may, submit **Form 4** and **Form 6** along with an undertaking to the Bank in Format 9, a common nomination form for arrears of pension and commuted value of pension in **Form A** appended to the Payment of Arrears of Pension (Nomination) Rules, 1983 and an option form for availing FMA or out-patient medical facility provided by the Government, before such retirement



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but after the competent authority has approved such retirement or the retirement has become effective, as the case may be.

- (2) Where the Head of Office is satisfied that the Government servant is not in a position to submit the forms, on account of any bodily or mental infirmity, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, the member of the family eligible to receive family pension on death of Government servant, **to submit Form 4 and Form 6.**

Rule-59. Completion of pension case-

- (1) In cases superannuation, the Head of Office shall complete Part I of Form 7 along with the check list and the pension calculation sheet not later than **4 months before the date of retirement** of a Government servant.
- (2) In cases other than superannuation, the Head of Office shall complete Part I of Form 7 along with the check list and the pension calculation sheet within **2 months** after submission of Form 4 and Form 6 by a Government servant or his or her spouse or member of his or her family, as the case may be.

Rule-60. Forwarding of pension case to Accounts Officer

- (1) After complying with the requirement of Rules, the Head of Office shall forward to the Accounts Officer-
 - a) Copies of **Form 4, Form 6** and an undertaking to the **Bank in Format 9**, signed and submitted by the Government servant.
 - b) Copies of **Form 7** (including the check list and the pension calculation sheet) and the covering letter in Format 10, and
 - c) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.
- (2) The Head of Office shall **retain a copy of each of the Forms** for his records.
- (3) The pension case and the papers shall be forwarded to the Accounts Officer not later than **4 months before** the date of superannuation of a Government servant and in cases other than retirement on superannuation **not later than 2 months** after the date of submission of **Form 4 & Form 6.**
- (4) Pension calculation sheet to be given to Pensioner.
- (5) Scale of pay of the post last held, to be indicated in all the PPO.

Rule-61. Intimation to Accounts Officer regarding any event having bearing on pension or any Government dues-

- (1) If, after the pension papers have been forwarded to the Accounts Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be **promptly reported to the Accounts Officer** by the Head of Office.



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- (2) if, after the particulars of **Government dues** have been intimated to the Accounts Officer, any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to the Accounts Officer.

Rule-62. Provisional pension for reasons other than Departmental or Judicial proceedings-

Where, in a case of retirement on **superannuation**, after a government servant or his or her spouse or a member of his or her family, as the case may be, has submitted, but-

- (1) If any cases, it is not possible for the Head of Office to forward the pension papers to the Accounts Officer within the period specified.
- (2) where the pension papers have been forwarded to the Accounts Officer within the specified period but the Accounts Officer may have returned the pension papers to the Head of Office for eliciting further information before issuing pension payment order and order for the payment of gratuity.
- (3) Where the amount of **pension and gratuity** cannot be determined for reasons **other than the departmental or judicial proceedings** and a provisional pension and provisional gratuity is required to be sanctioned under provisions of these rules, the Head of Office shall do the following, namely-
 - a) issue a letter of sanction addressed to the Government servant endorsing a copy thereof to the Accounts Officer.
 - b) **100 % of pension as provisional pension** from the date following the date of retirement.
 - c) 100 % of the gratuity as provisional gratuity withholding **10%** of gratuity.
- (4) A sanction for provisional pension, shall be issued not later than **10 days after the date of retirement** of Government servant in not submission of pension cases by the Head of Office and within **1 months from the date of submission of forms** by the Govt. servant.
- (5) The payment of provisional pension shall not continue beyond the period **of six months** from the date of retirement.
- (6) If the amount of provisional pension disbursed to a Government servant, is on its final assessment, **found to be in excess of the final pension** assessed by the Accounts Officer, it shall be open to the Accounts Officer to **adjust the excess amount of pension out of gratuity withheld** or recover the excess amount of pension in instalments by making short payments of the pension payable in future.
- (7) If the amount of provisional gratuity disbursed by the Head of Office, is more than the amount finally assessed, the retired Government servant shall **not be required** to **refund the excess amount** actually disbursed to him.
- (8) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimized and the officials responsible for **the excess payment shall be accountable for the overpayment.**



Rule-63. Authorization of pension and gratuity by the Accounts Officer

- (1) On receipt of pension case, the Accounts Officer shall apply the requisite checks, complete **Part II of Form 7**, and assess the amount of pension, family pension and gratuity and issue the pension payment order not later than **2 months in advance** of the date of the retirement of a Government servant on attaining the age of superannuation.
- (2) In the cases of retirement otherwise than of superannuation, the Accounts Officer shall apply the requisite checks, complete Part II of Form 7, assess the amount of pension, family pension and gratuity, assess dues and issue the pension payment order within **45 days** of the date of receipt of pension papers from the Head of Office.
- (3) While applying the requisite checks, the Accounts Officer shall verify the correctness of emoluments only for the period of **24 months** preceding the date of retirement of a Government servant, and **not for any period prior to that date**.
- (4) In the case of a Govt. servant whose family includes more than one wife who are alive, the Account Officer shall indicate, in PPO, the name of all the wives with their respective share in family pension.
- (5) The Accounts Officer shall also indicate in the PPO, the names of **the permanently disabled child or children and dependent parents and disabled siblings as family pensioners** if there is no other member of family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.
- (6) In case, any departmental or judicial proceedings are pending against the Government servant, **a provisional pension as provided in rule 8** shall be authorised by the Accounts Officer and **no gratuity** shall be paid to the issue of final orders thereon. The Head of Office shall forward the **copy of final orders passed by the competent authority** along with the details in Form 7-A, not later than **30 days from the date of issue of the said orders**.

Rule-64. Government servants on deputation.

- (1) If deputation to another Central Government Department, **family pension and gratuity authorized** by the **borrowing Department**.
- (2) If deputation to a State Government or while on foreign service, family pension and gratuity authorized by the **parent department** or the cadre authority.

Rule-65. Interest on delayed payment of gratuity.

- (1) Where the payment of pension or family pension or gratuity has been authorized later than the date when its payment become due, including in cases of retirement otherwise than superannuation, and it is clearly established that the delay in payment **was attributable to administrative reasons or lapses** interest shall be paid at the rate and in the manner as applicable to **GPF** amount.



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- (2) The payment of interest on delayed payment of gratuity or pension or family pension shall be paid within **two months from the date** on which payment of interest has been sanctioned by Secretary or the officer authorized by him.
- (3) Superannuation/death/absorption/provisional pension/family pension etc. expiry of a period of **3 months** from date of issue, up to the date of payment of arrears of pension or gratuity.
- (4) Admissibility of interest on gratuity allowed after **conclusion of judicial/ department proceedings.**

Rule-66. Revision of pension after authorization

- (1) Pension **once authorized after final assessment** shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently
- (2) No revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Department of Personnel and Administrative Reforms if the clerical error is detected after a period of **two years** from the date of authorization of pension.
- (3) If, consequent on revision of pension or family pension, an excess payment of pension or family pension is **found to have been made** to pensioner or family pensioner, the department or authority with the consultation of the Ministry of Finance **waive off such excess payment.**
- (4) Where the administrative Ministry or Department decides **not to waive off**, the retired Government servant concerned or family pensioner shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of **two months from** the date of receipt of notice by him.
- (5) In case the Government servant fails to comply with the notice, the Head of Office shall, by 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 Head of Office may direct.

Rule-67. Recovery and adjustment of Govt. dues.

- (1) It shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement.
- (2) If the Govt. due is outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the **retirement gratuity**.
 - **Government due includes-** arrears of licence fee dues or arrears in respect of electricity, water and PNG charge, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deductible at source.



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Rule-68. Adjustment and recovery of dues pertaining to Government accommodation.

- (1) In case retirement on superannuation, the Directorate of Estates, issue of a No Demand Certificate, and inform the Head of **Office within 2 months**, if any license fee was recoverable from the Government servant in respect of the period prior to **8 months** of his retirement.
- (2) In the case of a Government servant who has retired or is retiring otherwise than on attaining the age of superannuation, the Directorate of Estates shall inform the Head of Office within **one month from the date of receipt** of intimation and details from Head of Office, if any license fee was recoverable from the Government servant up to the date of retirement.
- (3) If in any particular case, it is not possible for the Directorate of Estates to determine the outstanding license fee, that Directorate shall inform the Head of Office that **10% of the gratuity** may be withheld pending receipt of further information.
- (4) The Directorate of Estates shall ensure the **No Demand Certificate** shall be given to the Government servant within a period of **14 days from the date of submission of application** for the said certificate after actual vacation of the Government accommodation.

Rule-69. Adjustment and recovery of dues other than dues pertaining to Government accommodation

- (1) The Head of Office shall take steps to assess the dues **one year** before the date from superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.
- (2) The assessment of Government dues shall be completed by the Head of Office **8 months prior to the date** of the retirement, in the case of retirement on superannuation, and **within 30 days** after the date of retirement in the case of retirement otherwise than on superannuation.
- (3) If Govt. due outstanding till the date of retirement of the Government servant, shall be adjusted **against the amount of retirement gratuity** becoming payable to the Government servant on his retirement.

Rule-70. Date of retirement to be notified

- (1) When a government servant retires from service
- (a) a notification in the Official Gazette in the case of a Gazetted Government servant
- (b) an office order in the case of a non-gazetted Government servant.
shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer:



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Chapter -XI

(Determination and authorization of the amounts of family pension and gratuity in respect of a government servant who dies or goes missing while in service)

(Rule 71 to 78)

Rule-71. Obtaining of claims for family pension and gratuity.

- (1) Where the Head of Office has received an intimation or information about the death of a Government servant while in service, he shall ascertain whether any death gratuity or family pension or both is or are payable in respect of the deceased Government servant.
- (2) Where the family of the deceased Government servant is eligible for family **pension under rule 50**, the Head of Office shall address the eligible member of the family or the guardian, as the case may be, in **Format 12** for making a claim for family pension in Form 10 and to submit an undertaking to the Bank in **Format 9**.
- (3) If on the date of death, the Government servant was an allottee of Government accommodation, the dues pertaining to outstanding license fee payable in respect of the **period before the date of death** of the Government servant shall stand **waived off**.
- (4) Any dues relating to damages in respect of the Government accommodation shall be recovered from the death gratuity payable to the family and if the Government accommodation is retained by the family of the deceased Government servant, **the license fee for the month in which the Government servant has died and the first 3 months** thereafter, shall not be recovered from the family.
- (5) In the case of death of government servant, the Head of Office shall not wait for a death certificate issued by an appropriate authority and shall initiate action under this rule on receipt of an intimation or a credible information, in any form, about the death of the Government servant.
- (6) In the case of missing employee, the claims shall be accompanied by an undertaking to the Bank in Format 9, **an Indemnity Bond in Format 8**, a copy each of the report lodged with the concerned Police Station and a copy of the report obtained from the police to the effect that the **Government servant could not be traced so far despite all efforts made in that regard**.

Rule-72. Verification of service and emoluments for family pension and gratuity-

- (1) The Head of Office shall go through the service book of the deceased or missing Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.
- (2) For the purpose of determination of emoluments for family pension and 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** or disappearance of the Government servant.



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- (3) In case the Government servant was on extraordinary leave on the date of death or disappearance, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.
- (4) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation or information regarding the death of the Government servant or disappearance of the Government servant.

Rule-73. Action to be taken in cases where service records are incomplete

- (1) In respect of the unverified portion or portions of service the Head of Office shall verify the portion or portions of such service, as the case may be, based on pay bills, acquittance rolls or other relevant records, such as last pay certificate and pay slip for the month of April (which shows verification of service for the previous financial year) and record necessary certificates in the service book.
- (2) If that period of service having been rendered by the G.S. in another office or department, the Head of Office will verify the portion of service within one month from the date of communication receipt.
- (3) If the family of the deceased or missing G.S. has become eligible for family pension, the amount of family pension and the period for which it is payable shall be determined within one month from the date of receipt of intimation or information regarding death of the Government servant.

Rule-74. Forwarding the family pension case to the Accounts Officer

- (1) On receipt of claim or claims, the Head of Office shall complete the Form 11 in respect of a deceased Government servant or a missing Government servant and send the said Form 11 to the Accounts Officer, with a covering letter in Format 10 along with the undertaking to the Bank in Format 9, duly completed and up-to-date service book of the Government servant 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 Format 10, Form 10 and Form 11 for his office record.
- (3) If any government due, the maximum amount of gratuity to be held over for the purpose, shall be limited to 10% of the amount of gratuity.

Rule-75. Sanction, drawl and disbursement of provisional family pension and provisional gratuity on death of a government servant.

- (1) In the case of death of a Government servant, after a claim for family pension has been received by the Head of Office in accordance with rule 71 and the Head of Office is satisfied regarding the eligibility of the claimant for family pension, he shall draw provisional family pension not exceeding the maximum family pension as determined in accordance with the provisions of these rules, within 15 days of the receipt of the claim.



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- (2) The payment of provisional family pension shall continue for a period of **six months** from the date following the date of death of the Government servant.
- (3) The final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service by him within a **period of three months** from the date on which the authority for the payment of provisional gratuity was issued.

Rule-76. Authorization of final family pension and balance of the gratuity by the Accounts Officer. –

- (1) On receipt of the family pension case and the documents, the Accounts Officer shall, within a period of **one month from the date of receipt** of the family pension case and the documents, apply the requisite checks and complete Section I of Part II of Form 11 and assess the amount of family pension and gratuity
- (2) while applying the requisite checks, the Accounts Officer shall confine the verification of the correctness of emoluments for a maximum period of **one year** preceding the date of death or disappearance of the Government servant.
- (3) If the Accounts Officer is, for any reason, unable to assess the amount of family pension within the period aforesaid, he shall communicate the fact to the Head of Office to continue to disburse the **provisional family pension** to the claimant for such period as may be specified by the Accounts Officer.
- (4) The Accounts Officer shall prepare the pension payment order not later **than one month of the receipt of family pension case** from Head of Office.
- (5) In the case of a missing Govt. employee, the payment of family pension shall be made by the Pension Disbursing Authority only after the expiry of a period of **six months from the date of lodging of report** with the concerned Police Station.
- (6) 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 Accounts Officer, it shall be open to the Accounts Officer to **adjust the excess amount from the gratuity failing which**, in instalments, from family pension payable in future.
- (7) If the amount of provisional gratuity disbursed by the Head of Office proves to be **larger than the amount finally assessed** by the Accounts Officer, the beneficiary shall **not be required to refund the excess**.

Rule-77. Adjustment of Government dues. –

- (1) Outstanding license fee payable in respect of the period before the date of death of the Government servant shall be **waived off** and if the Government accommodation is retained by the family of the deceased G.S. after his death, the license fee for the month in which the Government servant has died and the first **three months thereafter**, shall not be recovered from the family.



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- (2) If the outstanding number of dues was not recovered from the pay and allowances of the deceased or missing Government servant, the outstanding amount shall be adjusted against the amount of the gratuity withheld.

Rule-78. Payment of family pension and death gratuity when a government servant dies or goes missing while on deputation. –

- (1) If deputation to another Central Government Department, **family pension and gratuity authorized by the borrowing Department.**
- (2) If deputation to a State Government or while on foreign service, family pension and gratuity authorized by the **parent department** or the cadre authority.

Chapter -XII

(Sanction of family pension and residuary gratuity in respect of deceased or missing pensioners or family pensioner)

(Rule 79 to 80)

Rule-79. Sanction of family pension and residuary gratuity on the death or disappearance of a pensioner or family pensioner.

- (1) On receipt of a claim in Form 10, the Head of Office shall sanction the family pension in Format 13, to such member of family to whom family pension has become payable.
- (2) The family pension in such a case shall become payable from the date following the date up to which pension or family pension has been paid to the pensioner or family pensioner **who went missing or from the date on which a report was lodged with the concerned Police Station** in the form of FIR.
- (3) Where on the death of a retired Government servant **a residuary gratuity** becomes payable to the family of the deceased.

Rule-80. Authorization of payment by Accounts Officer

- (1) On receipt of the sanction under rule 79 regarding the payment of family pension or of residuary gratuity or of both, the Accounts Officer shall authorise the payment of the same within one month from the date of receipt of the sanction.
- (2) The Accounts Officer shall authorise the pension, retirement gratuity and family pension.

Chapter XIII- Payment of Pensions

Rule-81. Date from which pension becomes payable.

- The Govt. servant shall become eligible for a pension from the following day of his retirement.

Rule-82. Currency in which pension becomes payable.

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

Rule-83. Manner of payment of gratuity and pension.

- A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month and the pension of month of March when it shall be payable on or after **1st working day of April.**



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FORMS

Form -1	Application for permission to accept commercial employment within a period of one year after retirement.
Form -3	common nomination form for Gratuity, GPF and CGEGIS.
Form -4	Details of family
Form-6	Particulars of retired/retiring Govt. Servant.
Form -7	Form for assessing pension/family pension and Gratuity
Form-7A	Provisional pension in case of judicial or departmental proceeding under Rule 8.
Form-9	Application for the Grant of Gratuity in respect of a deceased/missing Government Servant.
Form -10	Application form to the Head of Office for family pension on death of Govt. servant or Pensioner.
Form-11	Assessment and authorization of payment of family pension and Death Gratuity when a Govt. servant dies or goes missing while in service
Form -13	Letter sanctioning Family Pension when a Pensioner dies/goes missing or a Family Pensioner dies/ceases to be eligible/goes missing

Format

Format-8	Indemnity Bond.
Format-9	Under taking form
Format-10	Forwarding letter of pension case.

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