

### **Section III – Invalid Pension**

42.(1) Where the Government / pension sanctioning authority have / has reason to believe that an employee is suffering from a contagious disease, or physical or mental disability or infirmity which in their / its opinion interferes with the efficient discharge of his  
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duties, they / it may direct him to undergo medical examination by a Medical Board or Medical Officer with a view to ascertain whether he may be retired from service on invalid pension.

(2) An invalid pension shall be granted to an employee who, having appeared on the directions of the Government / pension sanctioning authority under subrule

(1) or on his own application, before a duly constituted Medical Board or Medical Officer is certified by such Medical Board or Medical Officer to be permanently incapacitated by a contagious disease or physical or mental disability or infirmity for the public service or for the particular branch of it to which he belongs.

[G.O.(P)No.51/79/Fin.,  
dated 20th January 1979]

(3) #In the case of an employee who is invalidated under this rule irrespective of the length of service, put in by him the actual period of his qualifying service as on the intended date of invalidation shall be increased by a period of 5 years subject to the condition that the total qualifying service after allowing the weightage shall not exceed 30 years and the weightage shall not exceed the difference between the age of superannuation and the age at the date of invalidation. Fractions, if any in the qualifying service so arrived at shall be rounded to the nearest completed year, that is, fraction of less than half year shall be ignored and half year and above shall be rounded to the next completed year.

#[G.O.(P)  
NO.220/87/Fin., dated  
10th March 1987]

### **Rules regarding Medical Certificates**

43. The incapacity for service must be established by a medical certificate attested as follows:-

(a) By a Medical Board, in the case of all gazetted Government employees whose pay as defined in Rule 12(23), Part I of these Rules, exceeds Rs.500 per mensem.

(b) In other cases, by a Medical Officer not below the rank of a Civil Surgeon.

(c) No Medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or

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Department is aware of his intention to appear

before the Medical Officer. The Medical Officer shall also be supplied by the head of the Office or Department in which the applicant is employed with a statement of what appears from Official records to be the applicant's age. Where the applicant has a Service Book, the age therein recorded should be reported.

Note:- Reciprocal arrangements have been entered into with the Mysore Government to the effect that employees including Police personnel of one State while staying in the other will be examined free of cost by a medical Board or a Medical Officer employed under the Government of the State concerned for the purpose of invalidating from Government Services. A medical requisition from the competent authority will be required before the medical examination is conducted.

Exception: - Last Grade Employees of the Forest Department who have attained the age of fifty-five may be granted invalid pension without the production of the medical certificate. It is enough if the Head of the Department certifies to their incapacity for further service.

## **RULING**

If an applicant suffering from any disease curable by operation refuses to undergo operation and is therefore invalidated, no pension or gratuity is admissible. Each case of invalidation on account of curable disease should be decided on merits. The Head of Departments / Offices should forward such cases with the recommendation of the pension sanctioning authority / Head of the Department for the orders of the Government.

44.(a) A Succinct statement of the medical case and of the treatment adopted, should, if possible, be appended in the following form:-

(1) Name:

(To be filled in by the applicant in the presence of the Medical Officer who issues the medical  
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certificate or the Medical Board constituted for the purpose, as the case may be)

(2) Appointment held by the Applicant:

(3) Age (years):

(4) Total Service (years):

(5) Service in India (years):

(6) Previous period of leave of absence on Medical Certificate:

(7) Habits:

(8) Disease:

(9) Treatment adopted :

Note:- The details required to fill in item numbers

2,3,4,5 and 6 have to be furnished by the Head of the Office in which the applicant is employed.

(b) If the examining Medical Officer, although unable to discover any specific disease in the employee considers him incapacitated for further service by general debility while still under the age of fifty five years, he should give detailed reasons for his opinion, and if possible a second medical opinion should always in such a case be obtained.

(c) In a case of this kind, special explanation will be expected from the Head of the Office or Department of the grounds on which it is proposed to invalid the officer.

45. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an employee whose recorded age is less than fifty five years but a Medical Officer is at liberty, when certifying that the employee is incapacitated for further service by general debility, to state his reasons for believing the age to understated.

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#### **FORM OF MEDICAL CERTIFICATE**

46.(a) The form of the certificate to be given in respect of an employee applying for pension is as follows:-

“Certified that I / we have carefully examined AB son of CD a .....in the

.....department. His age is by his own statement .....Years and by appearance about .....years. I / we consider AB, to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of .....(here state disease or cause). His incapacity does not appear to me / us to have been caused by irregular or intemperate habits”.

Note:- If the incapacity is obviously the result of intemperance substitute for the last sentence:

“In my / our opinion his incapacity is the result of irregular or intemperate habits”.

If the incapacity does not appear to be complete or permanent, the certificate should be modified accordingly and the following addition should be made:

I am /we are of opinion that AB, is fit for further service of a less laborious character than that which he has been doing (or may, after resting for ....months , be fit for further service of a less laborious character than that which he has been doing)

(b) The object of the alternative certificate of incapacity is that an employee should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing

him even on lower pay, then he may be admitted to pension; but it should be considered whether in view of his capacity for partially earning a living it is necessary to grant to him the full pension admissible under rules.

(c) The above certificate does not give an employee any right of transfer to any other Department; and an employee invalided on a certificate in this form will receive either full pension admissible under rules or

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such smaller amount as may be decided by the authority empowered to sanction the pension.

47. Special precautions in the Police – The Inspector General and the District Superintendents of Police should be on their guard against endeavours to retire on invalid pension by police personnel who are capable of serving longer.

48. Medical Officers should confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

49. Medical Officers should be specially searching in their examination of the physical unfitness of every applicant for pension, and whenever, the number of applicants for pension is large, the examination should, if possible, be conducted by two Medical Officers.

50. Restrictions- An employee discharged on other grounds has no claim under Rule 42, even though he can produce medical evidence of incapacity for service.

51. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority by which the pension is grantable to decide what reduction should be made on this account.

Note – The expression irregular or intemperate habits' occurring in this rule refers to incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity occurs due to other causes, e.g., work at irregular hours due to exigencies of service and not due to own volition, do not come under the purview of this rule.

52. Applicants to be discharged - An employee who has submitted under Rule 43 a medical certificate of incapacity for further service, must not (except for

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special reasons to be reported to the Government) be retained on duty pending a decision on his application for pension, nor can he obtain leave of absence.

Without the special orders of Government duty after the date of such medical certificate does not count for pension.

53. The object of Rule 52 is to discourage tentative applications; but last grade employee, who in the opinion of the head of Office, is fit for light work may be retained in employment till his pension is sanctioned. Provided that his post is not filled up till he retires, and that his service counts only to the date of his medical certificate.

54. Rule 52 refers only to the retention in duty of an employee who has furnished a medical certificate in support of an application for invalid pension or gratuity. The retirement of an employee who is absent on leave other than earned leave when such certificate is submitted, may have effect from the termination of his leave and the employee may continue to draw leave allowance to the end of his leave.

Note:-Where employees are invalidated when on long leave / leave not due the date of invalidating shall be that following the expiry of the leave already granted and he counts as service qualifying for pension the period after the date of his invalidating certificate to the termination of his leave and the officer may continue to draw leave allowance to the end of his leave.

#### **Section IV – Superannuation Pension**

55. A superannuation pension is granted to an officer entitled or compelled, by rule, to retire at a particular age.

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