CHAPTER VI - AMOUNT OF PENSIONS

SECTION I - GENERAL

6.1 The amount of pension that may be granted is determined by length of service as set forth in the succeeding sections of this chapter. The length of qualifying service for the purpose of pension shall be calculated in terms of completed six monthly period and fraction of a year equal to three months and more shall be treated as a completed six monthly period.

6.2 Pensions fixed in rupees shall be rounded off to the next higher rupee. In other words the fraction of a rupee shall be rounded off to next higher rupee.

Note-1: The rounding off to the next higher rupee is to be done once and at final stage but before commutation.

Note-2: This rule applies to all classes of pensions granted under various sets of rules including compassionate allowance which is also in the nature of pension. This rule, however, shall not apply to gratuities sanctioned under various sets of rules or to the capitalised value of commuted portion of pension where the amount worked out shall be rounded off to the nearest five paise.

Note-3: Where the competent authority orders deduction of pension under rule 2.2(a), 2.2(b) or 2.5 of these rules, the deduction shall be effected in whole rupees only so that the resultant pension may be paid in whole rupees after effecting deduction.

6.3 A pension is fixed in rupees and is payable in India.

6.4 [Deleted.]

6.5 If a Government employee who is entitled to compensation pension accepts instead another post in the public service and subsequently becomes again entitled to receive pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the post.

LIMITATIONS

6.6 A Government employee entitled to pension may not take a gratuity instead of pension.

6.7 & 6.8 Cancelled.
6.9 If a Government employee has held more than one post, in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each post separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Section III of this Chapter.

6.10 A Government employee is not entitled, for service in a post jointly with another post, to any pension which would not have been admissible to him if he had held the post separately and alone.

SECTION II - OLD PENSION RULES

6.11 to 6.15-A - [Deleted.]22

SECTION III - NEW PENSION RULES (GRATUITY AND PENSION)

A - GENERAL

6.16 (1) In the case of a Government employee retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be the appropriate amount as set out in the table below, and no additional or special additional pension shall be granted to him.

<table>
<thead>
<tr>
<th>Completed mix-monthly periods of qualifying service</th>
<th>Scale of service gratuity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1/2 month's Emoluments</td>
</tr>
<tr>
<td>2.</td>
<td>1 month's Emoluments</td>
</tr>
<tr>
<td>3.</td>
<td>1-1/2 months' Emoluments</td>
</tr>
<tr>
<td>4.</td>
<td>2 months' Emoluments</td>
</tr>
<tr>
<td>5.</td>
<td>2-1/2 months' Emoluments</td>
</tr>
<tr>
<td>6.</td>
<td>3- months' Emoluments</td>
</tr>
<tr>
<td>7.</td>
<td>3-1/2 months' Emoluments</td>
</tr>
<tr>
<td>8.</td>
<td>4 months' Emoluments</td>
</tr>
<tr>
<td>9.</td>
<td>4-3/4 months' Emoluments</td>
</tr>
<tr>
<td>10.</td>
<td>5-1/8 months' Emoluments</td>
</tr>
<tr>
<td>11.</td>
<td>5-1/2 months' Emoluments</td>
</tr>
<tr>
<td>12.</td>
<td>5-7/8 months' Emoluments</td>
</tr>
<tr>
<td>13.</td>
<td>6-1/4 months' Emoluments</td>
</tr>
<tr>
<td>14.</td>
<td>6-5/8 months' Emoluments</td>
</tr>
<tr>
<td>15.</td>
<td>7 months' Emoluments</td>
</tr>
<tr>
<td>16.</td>
<td>7-3/8 months' Emoluments</td>
</tr>
<tr>
<td>17.</td>
<td>7-3/4 months' Emoluments</td>
</tr>
<tr>
<td>18.</td>
<td>8-1/8 months' Emoluments</td>
</tr>
</tbody>
</table>
6.16(2) In the case of a Government employee retiring on or after the 1st April, 1979, in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years or more, the amount of superannuation, retiring, invalid and compassionate pensions shall be 50% of average emoluments as defined in rule 6.19-C of these rules subject to a maximum of \( \text{Rs.} \, 3,800 \) per mensem. However, in the case of a Government employee who at the time of retirement has rendered qualifying service of ten years or more but less than thirty-three years, the amount of pension shall be such proportion of the maximum admissible pension as the qualifying service rendered by him bears to the maximum qualifying service of thirty-three years, subject to a minimum of \( \text{Rs.} \, 375 \) per mensem (A few illustrations are given in Annexure to this Chapter).\(^2\)
<table>
<thead>
<tr>
<th>Average Emoluments</th>
<th>Pension on completion of 33 yrs.</th>
<th>Pension on completion of 30 yrs.</th>
<th>Pension on completion of 25 yrs.</th>
<th>Pension on completion of 20 yrs.</th>
<th>Pension on completion of 16-1/2 yrs.</th>
<th>Pension on or more qualifying service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs.750</td>
<td>Rs.375 x 30</td>
<td>Rs.375 x 25</td>
<td>Rs.375 x 20</td>
<td>Rs.375 x 33</td>
<td>33x2</td>
<td></td>
</tr>
<tr>
<td>Rs.546</td>
<td>Rs.455</td>
<td>Rs.364</td>
<td>Rs.360</td>
<td></td>
<td>(But he will be given Rs.375)</td>
<td>(But he will be given Rs.375)</td>
</tr>
<tr>
<td>Rs.1364</td>
<td>Rs.1137</td>
<td>Rs.910</td>
<td>Rs.750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rs.3000</td>
<td>Rs.1500 x 30</td>
<td>Rs.1500 x 25</td>
<td>Rs.1500 x 20</td>
<td>Rs.1500 x 33</td>
<td>33x2</td>
<td></td>
</tr>
<tr>
<td>Rs.2728</td>
<td>Rs.2273</td>
<td>Rs.1819</td>
<td>Rs.1500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rs.8000</td>
<td>Rs.4000 x 30</td>
<td>Rs.4000 x 25</td>
<td>Rs.4000 x 20</td>
<td>Rs.4000 x 33</td>
<td>33x2</td>
<td></td>
</tr>
<tr>
<td>Rs.3637</td>
<td>Rs.3031</td>
<td>Rs.2425</td>
<td>Rs.2000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: The qualifying service shall be counted in terms of complete six monthly period for calculating pension and fraction of year equal to three months and more shall be treated as a completed six monthly period.
6.16-A. (1) An officer who has become eligible for pension or gratuity under the rules applicable to him and has completed five years' qualifying service, may, on his retirement from service, be granted an additional gratuity not exceeding the amount specified in sub-rule(3).

(2) (a) If an officer, who has completed five years' qualifying service, dies while in service, a gratuity, not exceeding the amount specified in sub-rule(3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under Rule 6.16-B or if there is no such person, it shall be paid in equal shares to those surviving members of a Government employee's family as detailed in rule 6.16-B who belongs to categories (i) to (ix) mentioned therein except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughters and/or one or more members of the family of the Government employee who belong(s) to categories (v) to (ix) mentioned, in rule 6.16-B, the gratuity may be paid to all such persons in equal shares. In cases where the qualifying service is less than the prescribed minimum (viz. 5 years) the deficiency should not be condoned.

(b) The family of a pensionable employee who dies before completing five years of qualifying service shall also be eligible for the gratuity equal to six months' emoluments of a Government employee at the time of his death except in cases in which death occurs in the first year of service where the gratuity admissible shall be equal to two months' emoluments.\(^\text{22}\)

(3) In the case of Government employee retiring in accordance with the provisions of these rules, the amount of gratuity shall be 1/4th of the emoluments of the Government employees for each completed six monthly period of qualifying service subject to maximum 16-1/2 times the emoluments in the case of class-I, II and III and 17-1/2 times the emoluments in the case of class-IV employees. In the event of death of a Government employee while in service, the gratuity shall be subject to a minimum of 12 times the "emoluments" of a Government employee at the time of his death, provided that in no case shall it exceed\(^\text{22}\) [Rs.1,00,000].\(^\text{22}\)

(4) If an officer who has become eligible for pension or gratuity under the rules applicable to him, dies
after he has retired from service and the sum actually received by him at the time of death on account of such gratuity or pension together with gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times his "emoluments" a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule(2).

Note-1: The residuary gratuity mentioned in sub-rule(4) is admissible only if the death of the Government employee takes place within five years from the date of his retirement.

Note-2: The words "sums actually received" under this rule will also include the amount of temporary increase in pension for determining the amount of residuary gratuity payable to the nominee or legal heirs of the deceased Government employee.

(5) [The "emoluments" for the purpose of this section shall be [1]23 reckoned in accordance with the rule 6.19(C) of these rules: Provided that if the "emoluments" of Government employee have been reduced during the last 18 months of his service, otherwise than as a penalty, average emoluments as defined in rule 6.24 of these rules shall be treated as emoluments.

Note: In the case of Government employee who during the currency of the leave preparatory to retirement upto 180 days on full pay, or earned leave not exceeding 120 days; or first 120 days of any period of earned leave on full pay exceeding 120 days, earns an increment which is not withheld, he is entitled to count the pay which he would have drawn had he remained on duty, as "emoluments" for the purpose of death-cum-retirement-gratuity under this sub-rule, even though the increase in pay is not actually drawn during leave.[126]

(6) [The Government will have the right to effect recoveries from a gratuity sanctioned under this rule, in the same circumstances as recovery can be effected from an ordinary pension under rule 2.2(b).[126]

(7) No gratuity may be granted under this rule, if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under this rule in accordance with rule 2.5.
(8) A gratuity shall be sanctioned under this rule after giving due regard to the provisions of rule 6.4. The existing rules, which apply to the grant of an ordinary pension, will also apply in respect of a gratuity that may be sanctioned under this rule in so far as such rules are not inconsistent with the provisions of rule 6.16-A and 6.16-B.

6.16-B. (1) For the purpose of this rule:

(a) "family" shall include the following relatives of the Government employee:

(i) (wife or wives including judicially separated wife or wives, in the case of male Government employee;)

(ii) (husband including judicially separated husband in the case of female Government employee;)

(iii) sons;

(iv) unmarried and widowed daughters;

(v) brothers below the age of 18 years and un-married and widowed sisters, including step-brothers and sisters;

(vi) father; including adoptive parents

(vii) mother;

(viii) married daughters; and

(ix) children of a predeceased son.

(b) "persons" for the purpose of this rule shall include any company or association or body of individuals, whether incorporated or not.

(2) An officer shall, at any time after confirmation, make a nomination, conferring on one or more persons, the right to receive any gratuity that may be sanctioned under sub-rules(2) and (4) of rule 6.16-A and any gratuity which having become admissible to him under sub-rule(1) of that rule and rule 6.16 has not been paid to him before death.

Provided that if, at the time of making the nomination, the officer has a family, the nomination shall not be in
favour of any person or persons other than members of
his family.

(3) If an officer nominates more than one person
under sub-rule (2) he shall specify in the nomination
the amount or share payable to each of the nominees,
in such manner as to cover the whole amount of the
gratuity.

(4) An officer may provide in a nomination -

(a) in respect of any specified nominee, that in the
event of his predeceasing the officer the right
conferred upon that nominee shall pass to such other
persons as may be specified in the nomination;
provided that if at the time of making the nomination
the officer has a family consisting of more than one
member, the person so specified shall not be a person
other than a member of his family;

(b) that the nomination shall become invalid in the
event of the happening of the contingency specified
therein.

(5) The nomination made by an officer who has no
family at the time of making it, or a provision made
in nomination under clause (a) of sub-rule (4) by an
officer whose family consists, at the date of making
the nomination, of only one member, shall become
invalid in the event of the officer subsequently
acquiring a family, or an additional member in the
family, as the case may be.

(6) (a) Every nomination shall be in such one of the
forms Pen.1-C to Pen.1-F as may be appropriate in
the circumstances of the case.

Note: The forms provide for only one alternate nominee and
it is not open to a Government employee to nominate
more than one alternate nominee against any original
nominee.

(b) An officer may, at any time, cancel a nomination,
by sending a notice in writing to the appropriate
authority, provided, that the officer shall,
alongwith such notice, send a fresh nomination made
in accordance with this rule.

(7) Immediately on the death of a nominee, in respect
of whom no special provision has been made in the
nomination under clause (a) of sub-rule (4), or on
the occurrence of any event, by reason of which
the nomination becomes invalid, in pursuance of clause
(b) of that sub-rule or sub-rule (5), the officer
shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this rule.

(8) (i) Every nomination made, and every notice of cancellation given, by an officer under this rule, shall be sent by him to the Accountant General, Haryana, in the case of a gazetted officer, and to the Head of his office in the case of non-gazetted officer. Immediately on receipt of a nomination from a non-gazetted officer, the Head of the office shall countersign it, indicating the date of receipt, and keep it in safe custody.

[Provided that the Head of office may authorise his subordinate gazetted officers to countersign nomination forms of Non-Gazetted Government employees.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Government employee concerned.]**

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in subrule(8).

Note: While a nomination as also any change therein will normally be made by an officer during his service, he may be allowed to make a fresh nomination after retirement if such a contingency arises.

6.16-BB. Debarring a person from receiving gratuity:—

(1) If a person, who in the event of death of a Government employee while in service is eligible to receive gratuity in terms of rule 6.16-B is charged with the offence of murdering the Government employee or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned:—

(a) is convicted for the murder or abetting in the murder of the Government employee, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any
(b) is acquitted of the charge of murdering or abetting in the murder of the Government employee, his share or gratuity shall be payable to him.

(3) The provisions of sub-rules (1) and (2) shall also apply to the undischarged gratuity admissible under rule 6.16-A if a Government employee dies after retirement without receiving the gratuity."

C - TERMINAL GRATUITY FOR TEMPORARY GOVERNMENT EMPLOYEES

6.16-C.1(1) With effect from the 7th June, 1961, a temporary Government employee who is discharged on account of retrenchment will be eligible for a gratuity at the rate of 1/3rd of a month's pay for each completed year of service; provided he has completed not less than five years' continuous service at the time of discharge.

(2)(a) For the purpose of sub-rule (1), the term "pay" means basic pay and dearness pay only on the date of his discharge from service. It will not include special pay, personal pay, and other emoluments classed as "pay". In case the person concerned was on leave with or without allowances immediately before discharge, pay for the purpose will be the pay which he drew before proceeding on such leave, provided that the benefit of increase in such pay not actually drawn due to increment or promotion to a post carrying a higher rate of pay falling during leave not exceeding 120 days of earned leave or the first 120 days of such earned leave exceeding 120 days only will also be taken into account.

(b) "Government service" means temporary service under the Government of Haryana and includes temporary service rendered in composite Punjab and in erstwhile Pepsu before its merger with Punjab.

(c) "temporary service" means service in a temporary post and officiating service in a permanent post.

(3) The grant of gratuity under this rule shall be subject to the service rendered by the Government employee concerned being held by the authority competent to appoint him to be approved and satisfactory. No gratuity shall be admissible:

(a) In case where the Government employee concerned resigns his post or is removed or dismissed from public service;
(b) to a probationer or other Government employee discharged for failure to pass the prescribed test or examination;

(c) to a re-employed pensioner.

(4) In case the amount of gratuity payable under this rule remains undrawn on account of death of a Government employee, it will be payable to his family in the order of preference given below:

(1) Eldest surviving widow in the case of a male Government employee.

(2) Husband in the case of a female Government employee.

(3) Eldest surviving son.

(4) Eldest surviving unmarried daughter.

(5) Eldest widowed daughter.

(6) Father.

(7) Mother.

(8) Eldest surviving brother below the age of 18 years.

(9) Eldest surviving unmarried sister.

(10) Eldest surviving widowed sister.

6.16-D [Deleted.]25

6.17 to 6.19 Deleted.

6.19-A. [Deleted.]25

6.19-B. [Deleted.]25

E. - EMOLUMENTS RECKONING FOR PENSION

16.19-C. (i) The term "emoluments" for these purposes shall mean "pay" as defined in rule 2.44 of Punjab Civil Services Rules Volume I, Part I, except overseas pay. If a Government employee immediately before his retirement or death has been absent from duty or on leave with allowances his emoluments for the purpose of calculating service gratuity or death-cum-retirement-gratuity should be taken at what they
would have been had he not been absent from duty. Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(ii) Pay drawn in tenure appointment(s) will count provided the service in tenure appointment(s) does not qualify for grant of special additional pension.

(iii) There will be no change in the existing principle of reckoning those emoluments for pension which are paid by the Government. In other words the entire amount drawn as emoluments by a Government employee while on foreign service will not count for pension and gratuity. In such a case, the pay which the Government employee would have drawn under the Government had he not been on foreign service will alone be taken into account.

(iv) In the case of employees on deputation to any other State Government or the Central Government, the emoluments which he would have drawn, had he not proceeded on deputation, will alone be taken into account.

.28 & 6.21 Deleted.

F - EMOLUMENTS NOT RECKONING FOR PENSION

.22 A Government employee cannot count compensatory allowances of any description as emoluments for pension.

.23 Any part of a Government employee's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded. The following are examples of the operation of this rule:

(1) When a Government employee's pay is intended partly to cover the expenses of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expense. When a water-carrier's pay includes provision for a bullock, his pay must be taken at what it would be if he were not required to keep a bullock.

(2) When a consolidated pay specially includes tentage, travelling allowance or horse allowance, these must be deducted.
6.24 (1) The term "Average emoluments" means the average calculated upon the last [ten months] of qualifying service.

Note: [Deleted]²¹

(2) [If during the last ten months of his service a Government employee has been absent from duty on leave with leave salary and also on extraordinary leave which counts for pension or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended; provided always that, except as provided in note below, his pension must not be increased on account of increase in pay not actually drawn.

Note: In the case of Government employee who during the currency of leave preparatory to retirement until 120 days on full pay or on earned leave during the last ten months of service has earned increment which was not withheld during the currency of the earned leave not exceeding 120 days or during the first 120 days of any period of earned leave, exceeding 120 days, such increment though not actually drawn, shall be included in the average emoluments.

(3) If, during the last ten months of his service a Government employee has been absent from duty on leave without leave salary not counting for pension or has been suspended under such circumstances that the period of suspension does not count as service, the period so passed should be disregarded in the calculation of the average emoluments and an equal period before the ten months should be included.]²²

(4) In the case of Government employees who are allowed to count their Military service for civil pension under rule 4.3, the average emoluments should be calculated on the basis of pay drawn in the civil and Military Departments during the last [ten months] of service and the break, if any, between the Military service and the civil service should be
disregarded and an equal period before the [ten months] should be included.

(5) [Periods of joining time other than those mentioned in provisions (i) and (ii) of clause (b) of rule 9.15 of the Punjab Civil Services Rules, Volume I, Part I, which fall within the last ten months of a Government employee's service should form part of the ten months for the purpose of average emoluments.

In case of joining time falling under clause (a) of rule 9.15 of Volume I, Part I, of these rules, where the post of a particular post is drawn, the actual emoluments drawn shall be taken for the purpose of average emoluments. In case of joining time falling under clause (b) of the said rule during which leave salary is drawn, the pay (i.e. emoluments) which would have been drawn (but for a rule or order not allowing it) if the Government employee had not been on joining time should be taken into account in the calculation of average of emoluments.

The period of joining time under provisions (i) and (ii) of rule 9.15 of the Punjab Civil Services Rules Volume I, Part I during which a Government employee is not entitled to be paid, should be regulated for the calculation of average emoluments on the lines of sub rule (3) of rule 6.24 of these rules.]

(6) [Deleted.]

(7) Except as provided in clauses (2) to (6) above, only emoluments actually received can be included in the calculation. For example, when a Government employee is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

(8) In the case of section-writers whose service has been allowed to count for pension and of Press employees whose service qualifies under Rule 3.29 "average emoluments" means the average earnings of the last seventy-two months in superior service.

Note-1: This clause applies in the case of a Press employee remunerated by a fixed rate of pay if his pay is met from the grant for piecework.

Note-2: Overtime earning of Press employees paid at piece-work rates may be taken into account in calculating average emoluments under this clause, but such earnings must be excluded in reckoning the
average emoluments of press-employees who draw pay at fixed rates.

If during the last 72 months of service a press employee has been for some period on fixed pay and for other periods a piece-work employee, overtime earnings may be taken into account in calculating pension only for the periods during which he was remunerated at piece-work rates.

(9) Basis for calculation of pension in respect of seasonal establishments governed by Rule 3.18.- For purposes of calculation of average emoluments for pension, in respect of seasonal establishments, the whole of the last (10 months) of service including the periods which count but during which no emoluments were drawn should enter into calculation and not merely the periods during which emoluments were drawn. The emoluments that should be taken into account should, under clause (7) above, be those actually drawn during that period.


6.24-B. Omitted.
CHAPTER VII - RE-EMPLOYMENT OF PENSIONERS
SECTION I - GENERAL

7.1 No Government employee civil or military may retire with a view to being re-employed, and drawing pension in addition to pay, whether in Government service or in the service of any Local Fund.

7.2 When a person who was formerly in the civil or military employment of any Government in India obtains re-employment, whether temporarily or permanently, in Government service or in the service of a Local Fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority reappointing him shall specifically state in the order of reappointment whether any deduction is to be made from pension or pay as required by the rules of this Chapter and shall communicate a copy of the order to the Accountant General.

Note: This principle of this rule applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i.e., it shall be inclusive of any amount that may have been commuted (vide Rule 7.5 and 7.6).

7.3 The attention of every Government employee who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment by the Accountant General; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the rules contained in this Chapter.

7.4 Notwithstanding anything contained in the rules in this Chapter, a wound or other extraordinary pension sanctioned under Chapter VIII of these rules and a wound or injury or disability pension or a disability addition to pension awarded under the Military rules shall continue to be drawn by a retired Government employee, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension except the pension granted on the scale laid down in sub-clause (a) of clause (ii) of Rule 8.14 on the abandonment of all claims to any ordinary pension or gratuity admissible under Rule 8.9 shall not be taken into account when fixing the pay during re-employment or continued employment.
7.5 In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who, commutes a portion of his pension after such re-employment, the amount of pension which the pensioner is entitled to draw under the rules in Section II of this Chapter shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

In the case of a pensioner whose pension is held wholly in abeyance during such re-employment and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute.

In the case of a pensioner whose pension is held partly in abeyance during such re-employment and who during this period commutes a portion of his pension in excess of the portion actually drawn, his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.

7.6 In the case of a pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment, or continued employment and not merely the uncommuted pension.

SECTION II - RE-EMPLOYMENT OF CIVIL PENSIONERS

A. GENERAL

7.7 Cancelled.

7.8 A pensioner of any class may be employed as an Extra Departmental Agent in the Post Office.
7.9 Cancelled.

B - AFTER COMPENSATION OR INVALID GRATUITY

7.10 A Government employee who has retired from Government service with a compensation gratuity or who has retired with an invalid gratuity but is sufficiently restored to health, if re-employed, in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

7.11 The intention to refund gratuity must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of his pay; and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service shall not revive till the whole gratuity is refunded. He need not refund a gratuity given under rule 5.9, in lieu of notice of discharge unless the period of unemployment falls short of three months. In the latter case he may retain a portion of the gratuity equal to the proportion which the period of unemployment bears to three months. If the Government employee is re-employed only temporarily, he need refund no part of his gratuity; but if such temporary employment is not seen the gratuity should be proportionately reduced.

Note: The equity of this rule is based upon the consideration that, so long as the refund of the gratuity is postponed, the Government employee avoids the risk and the Government loses the possibility of the gratuity lapsing absolutely to the public treasury by the death or dismissal of the Government employee. A subsequent refund of a gratuity, even with compound interest does not compensate the Government for the loss of this possibility meanwhile.

7.12 Cancelled.

C - AFTER COMPENSATION PENSION

7.13 A Government employee who has obtained a compensation pension, if re-employed, may, retain his pension in addition to his pay. Provided that if he is re-employed in a post paid from the Government revenues, the pension shall remain wholly or partly in abeyance, if the sum of the pension and the initial pay on re-employment exceeds his substantive pay immediately
before retirement, that is, a Government employee can draw as much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his retirement. Once the amount of the pension has been fixed in conformity with the above condition the Government employee shall be entitled to receive the benefit of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension; nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary post, for bona fide temporary duty lasting for not more than a year, the Government or, in cases where the pension does not exceed Rs. 10 a month, the authority which controls the establishment on which the pensioner is to be employed, may allow the pension to be drawn in whole or in part even though the sum total pay and pension exceeds his substantive pay at the time of his retirement.

Note-1: In the case of a section-writer whose service has been allowed to qualify for pension under special orders of the competent authority or of a Press employee (see rule 3.28) re-employed, the substantive pay at the time of discharge is taken at the average earnings of the last six months of employment.

Note-2: This rule applies to the re-employment on all establishments paid from the Government revenues, whether paid by fixed pay or by fluctuating monthly allowances, but it does not apply to pensioners employed on work as coolies on daily wages.

Note-3: In the case of re-employment under a Local Fund, no deduction is made from a compensation pension.

Note-4: The competent authority may permit a Government employee who has obtained a compensation pension and is afterwards re-employed in a permanent or temporary post duly sanctioned by competent authority, to draw his full pension, in addition to the pay and allowances of the post irrespective of the period of such re-employment.

Note-5: The restriction in this rule do not apply to ex-policemen whose pension does not exceed Rs. 10 a month.

Note-6: A re-employed Government employee is a new entrant and is, therefore, not entitled to Sterling Overseas Pay, unless, it is admissible in similar circumstances if a new entrant is recruited. As
regards the fixation of initial pay on re-employment, there are two limiting conditions:

(a) the pay of the post in which a Government employee is re-employed; and

(b) the substantive pay of the Government employee at the time of retirement.

Substantive pay has to be interpreted in terms of Rule 2.55 of Volume I, Part I of this book.

While there is no obligation to give a Government employee reemployed, pay (including pension) equal to substantive pay (including overseas pay) drawn by him before retirement the rules permit a Government employee being allowed so much of pension as will with initial pay, equal to substantive pay, the fixation of pay being a matter fully within the discretion of the competent authority.

7.14 If the re-employment is in qualifying service, the Government employee may either retain his pension (subject to the proviso stated in rule 7.13) in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

Note: A Government employee counts his previous service under this rule if on re-employment his pension remains wholly in abeyance under the proviso to rule 7.13.

7.15 If a Government employee does not, within three months from the date of his re-employment, exercise the option conceded by rule 7.14, of ceasing to draw pension and counting his former service, he cannot, thereafter, do so without the permission of the competent authority.

D - AFTER INVALID PENSION

7.16 There is no bar to the re-employment of a Government employee who has regained health after obtaining invalid pension, or if a Government employee is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment, in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after compensation pension.
Note: A compassionate allowance is to all intents and purposes a pension and the rules regarding the re-employment of pensioners are, therefore, equally applicable to the case of a person in receipt of a compassionate allowance, this allowance being treated as Invalid or Compensation pension.

E - AFTER SUPERANNUATION OR RETIRING PENSION

7.17. A Government employee who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from the Government revenues or from a Local Fund, except on public grounds and in a purely temporary capacity with the sanction of the competent authority.

Note: A competent authority may declare that the restrictions contained in this rule shall not apply to any particular local fund or to local funds of any particular class of that they shall apply subject to such modifications as it may direct.

7.18. The authority competent to fix the pay and allowances of the post in which the pensioner is re-employed shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him.

Note-1: A Head of a Department when delegated powers under Rule 7.17, may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re-employment or continued employment is for bona fide temporary duty lasting for not more than a year or the pension does not exceed Rs.10 a month, when the power is delegated to any other subordinate authority, such authority may not allow the pensioner to draw in full a pension of more than Rs.10 a month, in addition to the full pay of the post.

Note-2: Where the employment is in service paid from a local fund the authority determining whether the pension shall be wholly or partly held in abeyance shall be either:

(i) The authority administering the local fund, if so empowered by the competent authority by special or general orders in this behalf; or
(ii) In any other case such other authority as the competent authority may prescribe;

(iii) the provisions of note 4 below apply mutatis mutandis to retired Government employees re-employed under Local Funds.

Note-3: The restrictions in this rule do not apply to ex-policemen whose pension does not exceed Rs.10 a month.

Note-4: (a) In determining the pay of a re-employed pensioner the following principles shall be observed; namely:

(i) the initial pay on re-employment shall be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is re-employed.

(ii) in addition to (i) above, the Government employee may be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefit e.g. gratuity commuted value of pension etc. provided the total amount of initial pay as at (i) plus gross amount of pension and/or the pension equivalent of other forms of retirement benefits does not exceed the pay he drew before his retirement (pre-retirement pay) or (Rs.7600/-), whichever is less.

(iii) in all cases, where either of these limits is exceeded, the pension and other retirement benefits may be paid in full and necessary adjustment made in pay so as to ensure that the total of pay and pensionary benefits is within the prescribed limits.

(iv) Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above he may be allowed to draw normal increments in the time scale of the post to which he is appointed, provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed (Rs.7600/-)² per month.

(v) in case where the minimum pay of the post in which the Government employee is re-employed is more than the last pay drawn, the Government employee concerned may be allowed the minimum of the prescribed scale of post, less pension and pension equivalent of other retirement benefits.

(vi) where after the pay is fixed at the minimum, it is reduced below minimum as a result of adjustment as at (iii) increase in pay may be allowed after each
year of service at the rates of increment admissible, as the pay had been fixed at the minimum.

Explanation: Pay drawn before retirement will be taken to be the substantive pay plus special pay, if any, and pay drawn in an officiating appointment may be taken into account if it was drawn continuously for at least one year before retirement. [29]

(b) In fixing the pay in accordance with the above principle, the "pension equivalent" of the death-cum-retirement gratuity should always be taken into account, in cases of retired Government employees who before re-employment were governed by the New Pension Rules or had opted for the modified pension rules, vide alternative (c) under rule 1.2-B. The pension equivalent of the death-cum-retirement gratuity will be determined on the basis of the commutation table applicable to the Government at the time of retirement.

Note-5: It is permissible to allow commutation of a portion of pension, within admissible limits, even when the pension is held wholly in abeyance and even if, in cases where it is held partly in abeyance, the amount of pension desired to be commuted exceeds the amount of pension actually drawn. If a pensioner, whose pension is held wholly in abeyance, commutes his pension, his pay during re-employment will be reduced from the date the commutation becomes effective, by the amount of pension commuted. If, however, the commutation is in respect of a pension partly held in abeyance, that portion of the pension which is actually drawn during re-employment, will first be set off against commutation and if the pension drawn is not sufficient to cover the amount to be commuted, the difference will be set off against the portion held in abeyance, a corresponding reduction being made in the pay during re-employment with effect from the date the commutation becomes effective.

[Note-6: In the case of Government employees retiring under contributory provident fund benefits, the pension equivalent to the total contribution payable by Government along with the interest due thereon should be taken into account for the purpose of determining his pay during re-employment. The pension equivalent in such cases shall be determined by applying the current table of commutation of pension as in the case of death-cum-retirement gratuity.] [31]
SECTION III - RE-EMPLOYMENT OF MILITARY PENSIONERS

7.19 Except where it is otherwise expressly provided, the rules in Section II of this chapter do not apply to a military officer, departmental officer, warrant or non-commissioned officer or soldier, who is taken into or allowed to continue in Civil employ after he has been granted a pension under military rules. The claims of such a Government employee to pay in the Civil Department are governed by Rule 7.20. His pension for service in the Civil Department will not be affected by his military pension.

7.20 (a) When a person formerly in military service obtains employment in the Civil Department after having been granted a military pension, he shall continue to draw his military pension but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have, in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension including such portion of it as may have been commuted.

(b) A Military officer, departmental officer, warrant or non-commissioned officer or soldier who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may, with effect from the date from which the pension is granted reduce such pay and allowances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

Note-1: If the military pension of a person does not exceed Rs. 50/- a month, it shall not be taken into account in fixing his pay and allowances in the civil department. In respect of these military pensioners in respect of military pension exceeding Rs. 50/- the first Rs. 50/- per month should be ignored while fixing pay in the civil Department.

Note-2: Wound or extraordinary pension should be reduced or terminated only in virtue of the conditions of its award and should not be affected by the pensioner’s re-employment in the Government service.

Note-3: Whenever a military pensioner is re-employed or continued in employment after being granted a military pension, in a civil capacity, a certificate
shall be attached to the first pay bill to the effect that the pay has been fixed with due regard to the provisions of rule 7.20.

Note-4: A reservist while still a reservist is not a pensioner. As reserve pay is not pension it is not affected by any of the restrictions laid down in Rule 7.20.

7.21 The pension of the heir of an Indian Military Officer or non commissioned officer or soldier (or the heir of a Medical subordinate) will, during employment in any Civil Department, merge in his pay.

SECTION IV - PENSION FOR NEW SERVICE

7.22 Except as provided in Section III, a Government employee who, having been discharged with a pension, is subsequently re-employed, may not count his new service for a separate pension. Pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service.

7.23 If a Government employee who has obtained a compensation or invalid pension is re-employed in pensionable service and retain the pension (see Rule 7.13, 7.14 and 7.16) the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the Government employee's final retirement, if the two periods of service were combined and the value of the pension already granted for the previous service.

Note: The capital value of the pension granted for the previous service should be calculated on the basis of the age of the Government employee on the date of the final retirement from service.

7.24 (a) If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded.

(b) If the amount of such gratuity or the present value of such pension, plus the amount of the previous
gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

7.25 For the purpose of rules 7.23 and 7.24, the capital or present value of a pension shall be calculated in accordance with the tables under the rules in Chapter XI.

SECTION V - COMMERCIAL EMPLOYMENT AFTER RETIREMENT

7.26 (a) If a pensioner to whom this rule applies wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the competent authority to such acceptance. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as the competent authority may direct. Provided that a Government employee permitted by the competent authority to take up particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuation in such employment after retirement.

Explanation: For the purposes of clause (a) of this Rule, the expression "the date of retirement" in relation to a Government employee re-employed after retirement without any break either in the same or in another class-I post under the State Government or in any other equivalent post under the Central Government, shall mean the date on which such Government employee finally ceases to be so re-employed in Government Service.

(b) This rule shall apply to every pensioner who immediately before retirement was a member of the State Service Class I.

(c) In this rule "Commercial employment" means employment in any capacity, including that of an agent, under a company, firm or individual engaged in trading, commercial, industrial, financial or professional business, and includes also a directorship of such company and a partnership of such firm, but shall not include employment under a body corporate, owned or controlled by Government.

[Explanation-1: For the purpose of this rule commercial employment under a co-operative society shall include]
the holding of any office whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like by whatever name called in such a society; and

Explanation-2: For the purpose of this rule commercial employment shall also include setting up practice, either independently or as a partner of a firm, as Adviser or consultant in matters in respect of which a retired Government employee,

(i) has no professional qualifications and the matter in respect of which the practice is to be set up or is carried on or relatable to his official knowledge experience; or

(ii) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or

(iii) has to undertake work involving liaison or contact with the officers or officials of the Government.

SECTION VI- EMPLOYMENT UNDER GOVERNMENT OUTSIDE INDIA AFTER RETIREMENT

7.27 (a) If a pensioner to whom this rule applies wishes to accept any employment under a Government outside India he should obtain the previous sanction of competent authority to such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission, in respect of any period for which he is so employed or such longer period as the competent authority may direct.

Provided that a Government employee permitted by the competent authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) This rule shall apply to every pensioner who immediately before retirement was a member of the State Service, Class I.

(c) For the purpose of this rule "employment under a Government outside India" shall include employment under a local authority or Corporation or any other Institution or organisation which functions under the supervision or control of a Government outside India.
C- WOUND AND OTHER EXTRAORDINARY PENSIONS

CHAPTER VIII- WOUND AND OTHER EXTRAORDINARY PENSIONS

SECTION 1- EXTENT OF APPLICATION

8.1 [Pay for the purpose of this chapter means pay, as defined in rule 2.44 of Volume I, Part I, of these rules which a person was drawing on the date of his death or injury; provided that in the case of persons remunerated by piece works rates, pay means average earnings of the last six months of service ending with the date of his death or injury.

Note-1: Article 320 of the Constitution of India provides that the Public Service Commission should be consulted on claims for the award of injury pensions and as to the amounts of such awards. It is, therefore, necessary to consult the commission on every claim by or in respect of a person, except class III and class IV employees, who is or was under the rule making control of the Haryana Government for the award of a pension or gratuity under the rules in this Chapter. The following supplementary instructions should be observed when the Haryana Public Service Commission is consulted in respect to claims for the award of injury pension:

(i) the Commission should be consulted after the department concerned have expressed their views on a case;

(ii) the point of reference to the Commission should inter alia be, whether in their opinion the award of any pension, gratuity, etc., is admissible, and if so, the amount thereof; and

(iii) any such reference to the Commission should be in the form of an official letter with which the relevant papers should be forwarded and except as stated in note 2 below, the convention regarding the acceptance of the advice of the Commission should apply in these cases.

Note-2: All cases of ex-gratia award of extraordinary pension shall be referred to the Haryana Public Service Commission. If commission considers that a claim is covered by the rules and recommends an award it will be open to the competent authority to examine the position before accepting the recommendation. If the competent authority is satisfied that the case is covered by the rules, it will accept the Commission's recommendations as to the amount of the award. In cases when the Commission is satisfied that the award is admissible under the rules, but would recommend
ex-gratia payment, they will not make any recommendation about the amount of payment. The competent authority will in that case retain discretion after giving all due weight to the Commission's recommendations whether or not to make any ex-gratia payment and to determine the amount of such payment.}\textsuperscript{33}

SECTION II - GENERAL

8.2 to 8.8 - [Deleted.]\textsuperscript{33}

SECTION III - WOUND, INJURIES OR OTHER DISABILITIES SUSTAINED BY A CIVIL GOVERNMENT EMPLOYEE WHILE SERVING WITH A MILITARY FORCE

8.9 to 8.17 - [Deleted]\textsuperscript{33}

SECTION IV - WOUND, INJURIES OR OTHER DISABILITIES SUSTAINED OTHERWISE THAN ON SERVICE WITH A MILITARY FORCE

8.18 to 8.24 - [Deleted]\textsuperscript{33}

SECTION V - RULES REGULATING THE GRANT OF WOUND AND EXTRAORDINARY PENSIONS TO PERSONS NOT HOLDING A LIEN OR A SUSPENDED LIEN ON A PERMANENT POST ON 1ST APRIL, 1937.

8.25 [The rules in this section shall apply to all persons paid from civil estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923), applies whether their appointment is permanent or temporary, on time scale of pay or fixed pay or piece work rates.

Note: No award shall be made under these rules in respect of Civilian officer who is deputed on foreign service under United Nations bodies on or after 1st January, 1958, and who is allowed to join the United Nations Joint Staff Pension Fund as an "Associate Member".\textsuperscript{34}

8.26 For the purposes of the rules in this Section unless there is anything repugnant in the subject or context:-

(1) "accident" means-

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in course of service;
(2) "date of injury" means—

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of Medical Board, as the competent authority may fix; and

(ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the competent authority with due regard to the opinion of the Medical Board;

(3) "disease" means—

(i) Veneral disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty; or

(ii) disease solely and directly attributable to an accident; or

(iii) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties;

(4) "injury" means bodily injury resulting from violence, accident or disease assessed by a Medical Board as being not less than severe;

Note: Examples of injuries of certain categories are given in Schedule I to this Section.

(5) "pay" means the pay as defined in Rule 2.44 in Volume I, Part I, of these rules which a person was drawing on the date of his death of injury:

Provided that in the case of a person remunerated by piece work rates, pay means the average earnings of the last six months of service ending with the date of his death or injury.

(6) "risk of office" means any risk, not being a special risk, or accident or disease to which a Government employee is exposed in the course of and as a consequence of his duties, but nothing shall be
deemed to be a risk of office which is a risk common
to human existence in modern condition in India
unless such risk is definitely enhanced in kind or
degree by the nature, conditions, obligations or
incidents of Government service;

(7) "special risk" means-

(i) a risk of suffering injury by violence;

(ii) a risk of injury by accident to which a
Government employee is exposed in the course of,
and as a consequence of, the performance of any
particular duty which has the effect of materially
increasing his liability to such injury beyond the
normal risk of his office;

(iii) a risk of contracting disease to which a
medical officer is exposed as a result of attending
in the course of his official duty to a venereal
or septicaemic patient or conducting a post-mortem
examination in pursuance of that duty;

(8) "violence" means the act of a person who inflicts
an injury on a Government employee-

(i) by assaulting or resisting him in the discharge
of his duties, or in order to deter or prevent him
from performing his duties; or

(ii) because of anything done or attempted to be
done by such Government employee or by any other
public employee in the lawful discharge of his duty
as such; or

(iii) because of his official position.

8.27 No award shall be made except with the sanction of
the competent authority. In making an award such
authority may take into consideration the degree of
default or contributory negligence on the part of the
Government employee who sustains an injury or dies as
a result of an injury or is killed.

8.28 Except as otherwise provided, an award made under
these rules in this Section, shall not affect any
other pension or gratuity for which the Government
employee concerned or his family may be eligible
under any other rules for the time being in force;
and the pension granted under the provisions of these
rules shall not be taken into account in fixing the
pay of the pensioner on his continued employment or
re-employment in Government service.
8.29 No award shall be made in respect of—

(i) an injury sustained more than five years before the date of application, or

(ii) death which occurred more than seven years after the injury due to violence or accident was sustained, or (b) after the Government employee was medically reported as unfit for duty on account of the disease of which he died.

8.30. [All awards under these rules shall be made in India in rupees.]

8.31. For the purpose of these rules injuries shall be classified as follows:—

Class-A: Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature.

Class-B: Injuries caused as a result of special risk of office and equivalent, in respect of the degree of disability which they cause to the loss of a limb or are very severe; or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb, or are of more serious nature.

Class-C: Injuries caused as a result of special risk of office which are severe, but not very severe, and likely to be permanent or injuries caused as a result of risk of office which are equivalent, in respect of the degree of disability which they cause, to the loss of a limb or which are very severe or severe and likely to be permanent.

Example: A rifleman was required by his Commanding Officer to cut down branches for fuel and had to climb a tree to reach branches. He fell down and was injured. He was exposed to greater risk by nature of the duties he was asked to do. The injury falls under clause (c) of this rule. Therefore, under the provisions of Rule 8.32 (3) read with clause 2(1) and 4(1) of that rule the rifleman is entitled to injury pension with effect from the date of injury.

8.32 (1) If a Government employee sustains an injury which falls within class A of Rule 8.31, he shall be awarded—

(a) a gratuity of the applicable amount specified in Schedule II to this Section, and
(b) with effect from the date following the expiry of one year from the date of the injury-

(i) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in Schedule II for a higher scale pension; and

(ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II for a higher scale pension and shall not be less than half that amount.

(2) If a Government employee sustains an injury which falls within class B of Rule 8.31, he shall be awarded-

(i) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount;

(ii) in other cases-

(a) for a period of one year with effect from the date of the injury a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount; and thereafter.

(b) a pension within the limit specified in sub clause (a) if the Medical Board from year to year certifies that the injury continues to be very severe.

(3) If a Government employee sustains an injury which falls within class C of Rule 8.31, he shall be awarded a gratuity of the applicable amount specified in Schedule II, if the Medical Board certifies that the Government employee is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year;

Provided that in cases where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the competent authority may award, if it thinks fit, in lieu of the gratuity a pension not exceeding the amount admissible under sub-clause (ii) of clause (2) of this rule.
(4) A temporary pension awarded under this rule may be converted into a permanent injury pension—

(i) when a Government employee is invalidated out of the service on account of the injury in respect of which the temporary pension was awarded, or

(ii) when the temporary pension has been drawn for not less than five years, or

(iii) at any time, if the Medical Board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

8.33 Subject to the provision contained in Note 2 below rule 8.34 (2) awards shall be made to the widow and children of a Government employee as follows—

(i) if a Government employee is killed or dies of injury received as a result of special risk of office—

(a) a gratuity of the applicable amount specified in Schedule II to this Section, and

(b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III;

(ii) if the Government employee is killed or dies of injuries received as a result of risk of office, a pension the amount of which shall not exceed the applicable amount specified in Schedule III:

Proviso - [Deleted.]

Note-1: The amount of pension is fixed separately for each member of a Government employee's family. If one member ceases to be entitled to it by any subsequent event, for example, marriage etc., the pensions of the other members are not affected. In other words, the provision of this rule comes into operation only at the time of announcing the compensation of the amount of pension and cannot be revived again to bring the total amount to the maximum limits.

Note-2: If a Government employee dies leaving behind two or more widows the pension or gratuity admissible under this rule to the widow shall be divided equally among all the widows.

In the event of a Government employee leaving behind only one widow who is totally denied any share in the property of the Government employee under a will or deed made by him, she shall be ineligible to receive
any award under these rules and in the event of her having no children, rule 8.34 shall apply.

8.34 (1) If the deceased Government employee has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government employee for support and are in pecuniary need:

Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow under Rule 8.33:

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a 'child' who is not motherless.

(2) Any award made under clause (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the competent authority may by order prescribe.

Note-1: The provisions of the note 1 below Rule 8.19 also apply mutatis mutandis to Government employees governed by the rules in the Section.

Note-2: If any of the widows, children, father, mother or minor brothers or sisters is denied any share in the property of the Government employee under a will of deed made by him, such person shall be ineligible to receive any award under these Rules and the benefit will pass on to the next person eligible.

8.35 (1) A family pension will take effect from the day following the death of the Government employee or from such other date as the competent authority may decide.

(2) A family pension will ordinarily be tenable -

(i) in the case of widow or mother until death or remarriage whichever occurs earlier;

(ii) in the case of a minor son, or minor brother, until he attains the age of 21;

(iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 24, whichever occurs earlier:
(iv) in the case of a father, for life.

Note-1: A family pension granted to a posthumous child should commence from the date of his/her birth and not from the date of death of his/her father.

Note-2: The family pension of a widow will cease on re-marriage but when such re-marriage is annulled by divorce, desertion or death of the second husband her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

8.36 (1) In respect of matters of procedure, all awards under the rules in this Section are subject to the procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

[[(2)]37 When a claim for any injury pension or gratuity or family pension arises, the head of the office or of the department, in which the injured or the deceased Government employee was employed, will forward the claim through the usual channel to the Government with the following documents:-

(i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form Pen.6 or as the case may be, the application for family pension in Form Pen.7.

(iii) In the case of an injured Government employee or one who has contracted a disease a medical report in Form Pen.8. In case of a deceased Government employee a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government employee lost his life in such circumstances that a medical report cannot be secured.

(iv) A report of the Accountant General as to whether an award is admissible under the rules, and if so, of what amount.

[[(3)]37 Where the Government are satisfied on the evidence placed before them by a Government employee in respect of whom a medical report for the purpose of grant of injury or other extraordinary pension has been received by them, of the possibility of an error of judgment in the decision of the Medical Board
which examined him, the Government may direct a second Medical Board consisting of members other than those, who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter; pension shall be granted to the Officer in accordance with the decision of the second Medical Board.

8.37 Subject to such conditions as it may think fit to impose, a competent authority may grant to a Government employee who has been severely injured or has contracted a serious disease in the execution of public duty, or to the family of the Government employee who has died from the effects of such injury or disease, an extra-ordinary pension which will not, save in most exceptional circumstances, exceed Rs.25 a month, or a gratuity not exceeding the equivalent of that amount of Rs.1,000, whichever may be greater.

Note: A gratuity or pension may be granted under this rule to a village watchman or his family even though he receives no pay from Government.

GRANT OF PENSIONS TO DEPENDENTS OF PRIVATE INDIVIDUALS

8.38 The following conditions shall regulate the grant of pensions to the dependents of private individuals who are killed while assisting State authority in their task of maintaining law and order:

1. Pensions will be granted only in exceptional circumstances to the dependent of private individuals who are killed while engaged in operation of exceptional risk such as the dispersal of unlawful assemblies, suppression of riot, the arrest of dangerous criminals or fighting dacoits or raiders across the border.

2. No pension will be sanctioned except after the necessary medical report and the report of the Accountant General have been obtained: Provided that if the individual lost his life in circumstances which render it impossible to procure a medical report, reliable evidence of the actual occurrence of death may be accepted in lieu thereof.

3. (a) When any claim for pension under these orders arises; the Inspector General of Police or the Head of Department in which the claim arises will hold a formal enquiry, taking evidence as to-

(i) the circumstances in which the life was lost;
(ii) the relationship and the pecuniary circumstances of the claimants.

(b) He will then submit the case, with a statement of the circumstances, through the usual channel to the Finance Department. The application should be in the Form Pen.3.

4. Awards shall be made to the widows and children as follows subject to a total maximum of Rs.25 per mensem:-

(a) Widow at a rate not exceeding Rs.12 per mensem.

(b) Children-

(i) if the child is motherless, Rs.6 per mensem;

(ii) if the child is not motherless, Rs.4 per mensem.

Provided, that if the total of the pensions as calculated above exceeds Rs.25 per mensem the competent authority may at its discretion make such modifications in the mode of allotment as to restrict the total of the pensions to Rs.25 per mensem.

5. (1) If the deceased has left neither a widow nor a child, an award may be made to his father and his mother, individually or jointly, and in the absence of the father and the mother, to the minor brothers and sisters individually or collectively, if they were largely dependent on the deceased for support and are in pecuniary need: Provided that the total amount of the awards shall not exceed Rs.10, per mensem in the case of the father and mother and that each minor brother's and sister's share shall not exceed the amount of pension admissible to a child who is not motherless: Provided further that the maximum pension in the case of minor brothers and sisters shall not exceed Rs.16 per mensem. If, however, the pension so calculated exceeds Rs.16 per mensem, the competent authority may at its discretion make such modification in the mode of allotment as to restrict the total of the pension to Rs.16 per mensem.

(2) Any award made under clause (1) of this rule will, in the event of any improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as the Finance Department may by order prescribe. In sanctioning pensions to
parents of the deceased, the following conditions should be attached:

(a) that the award is subject to review should the pecuniary circumstances of the pensioner improve; and

(b) that any such change of circumstances is to be promptly reported by the pensioner to the sanctioning authority.

6. (1) A family pension will take effect from the date following the death of the person concerned, or from such date as the Finance Department may decide.

(2) A family pension will ordinarily be tenable-

(i) in the case of a widow or mother until death or remarriage whichever occurs earlier;

(ii) in the case of a minor son or minor brother, until he attains the age of [21] years;

(iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of [24] years whichever occurs earlier;

(iv) in the case of a father, for life.

Note-1: The cases of those private individuals who engage themselves in any of the operations referred to above, of their own free will, should also be treated as covered under this rule.

Note-2: A family pension granted to a posthumous child should commence from the date of his/her birth and not from the date of death of his/her father.
SCHEDULE I

(See note to clause (4) of Rule 8.26)

CLASSIFICATION OF INJURIES

Equal to loss of limb

Hemiplegia without aphasia.
Permanent use of a tracheotomy tube.
Artificial anus.
Total deafness of both ears.

Very Severe

Complete unilateral paralysis, likely to be permanent.
Lesion of kidney, urator or bladder.
Compound fractures (except phalanges).
Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent

Ankylosis of, or considerable restriction in, the movement of one of the following joints:
  knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the dorsolumbar or cervical sections of the spine.
Partial loss of vision of one eye.
Destruction or loss of one testicle.
Retention of foreign bodies not causing permanent or serious symptoms.
<table>
<thead>
<tr>
<th>Pay of Government Gratuity Employee on the Date of Injury</th>
<th>Monthly Pension (Higher Scale)</th>
<th>Monthly Pension (Lower Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rs. 2,000 and over</td>
<td>Rs. 300</td>
<td>Rs. 225</td>
</tr>
<tr>
<td>2. Rs. 1,500 and over</td>
<td>275</td>
<td>200</td>
</tr>
<tr>
<td>3. Rs. 1,000 and over</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>4. Rs. 500 and over but under Rs. 1,500 pay subject</td>
<td>3 months</td>
<td></td>
</tr>
<tr>
<td>5. Rs. 400 and over but under Rs. 900</td>
<td>100</td>
<td>84</td>
</tr>
<tr>
<td>6. Rs. 350 and over but under Rs. 400</td>
<td>85</td>
<td>70</td>
</tr>
<tr>
<td>7. Rs. 200 and over but</td>
<td>67</td>
<td>50</td>
</tr>
<tr>
<td>8. Under Rs. 200 4 months' pay 1/3rd of pay subject</td>
<td>1/5th</td>
<td></td>
</tr>
<tr>
<td>Provided that if the employee is wholly incapacitated living he may at his option be allowed to the family pension if he abandons all claims to ordinary pension or gratuity admissible under Rule 8.28.</td>
<td>of pay pay 8 per mensum: subj-</td>
<td>mensum.</td>
</tr>
</tbody>
</table>
(2) On receipt of the intimation under sub-rule (1), the Accounts Officer (Rent)/Rent Assessing Authority shall take further action as provided in rule 9.18.]

9.4 [Every Head of Office shall undertake the work of preparation of pension papers in form PEN-1 two years before the date on which a Government employee is due to retire on superannuation.]?

9.5 [(1) The Head of Office shall divide the period of preparatory work of two years referred to in rule 9.4 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 employee and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

(ii) In respect of the unverified portion or portions of service he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record necessary certificates in the service book.

(iii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the Government employee in another office or Department, a reference shall be made to the Head of Office in which the Government employee is shown to have served during that period for the purpose of verification.

(iv) If any portion of service rendered by a Government employee is not capable of being verified in the manner specified in sub-clause (i), or sub-clause (ii) or sub-clause (iii), the Government employee shall be asked to file a written statement on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall in support of such declaration, produce all documentary evidence and furnish all information which is in his power to produce or furnish.
(v) The Head of Office shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government employee in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government employee.

(b) Second Stage – Making good omission in the Service book:

(i) The Head of Office while scrutinising 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) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(iii) For the purpose of calculation of average emoluments, the Head of office shall verify from the service book the correctness of the emoluments drawn or to be drawn during the last ten months of service. In order to ensure that the emoluments during the last ten months of service have been correctly shown into the service book, the Head of Office may verify the correctness of emoluments, for the period of twenty four months only preceding the date of retirement of a Government employee, and not for any period prior to that date.

(c) Third Stage – Obtaining Form PEN 9 by the Head of Office:

Eight months prior to the date of retirement of the Government employee, the Head of Office shall obtain form PEN 9 from the Government employee, duly completed.
### SCHEDULE III

(See Rule 8.33)

**FAMILY GRATUITY AND PENSIONS**

**A - WIDOW**

<table>
<thead>
<tr>
<th>Pay of Government employee on the date of death</th>
<th>Gratuity</th>
<th>Monthly Pension</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rs.800 and over</td>
<td>3 months' pay, subject to minimum of Rs.800</td>
<td>(1/8th of pay subject to a maximum of Rs.200, 1/8th of pay subject to a maximum of Rs.100 and a minimum of Rs.50)</td>
</tr>
<tr>
<td>2. Rs.200 and over but under Rs.800</td>
<td>6 months' pay</td>
<td>1/3rd of pay subject to a maximum of Rs.65 and a minimum of Rs.25</td>
</tr>
</tbody>
</table>

**B - CHILDREN**

<table>
<thead>
<tr>
<th>Pay of Government employee on the date of death</th>
<th>Monthly pension of each child if the child is motherless</th>
<th>Monthly pension of each child if the child is not motherless</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>1. Rs. 800 and over</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>2. Rs. 250 and over but under Rs.800</td>
<td>25</td>
<td>13</td>
</tr>
<tr>
<td>3. Under Rs.250</td>
<td>1/10th of pay subject to a minimum of Rs.6</td>
<td>1/20th of pay subject to a minimum of Rs.5</td>
</tr>
</tbody>
</table>
PROCEDURE RELATING TO PENSIONS

Applications for the Grant of Pensions

SECTION - I - General

9.1 All authorities dealing with applications for pension under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government employee begins to receive his pension on the date on which it becomes due.

Note: In order to prevent cause for complaint on the part of pensioner, it is most important that pension cases should always be given as high a degree of priority as is possible.

9.2 [(1) Every Head of Department/office shall have a list prepared every six months, that is, on the 1st January and the 1st July each year of all Government employees who are due to retire within the next 24 to 30 months of that date.

(2) A copy of every such list shall be supplied to the Audit Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year.

(3) In the case of a Government employee retiring for reasons other than by way of superannuation, the pension sanctioning authority shall promptly inform the Audit Officer concerned of the fact of such retirement and shall forward his pension papers soon after.

(4) A copy of the intimation sent by the pension sanctioning authority to the Audit Officer under sub-rule (3) shall also be endorsed to the Accounts Officer (Rent)/Rent Assessing Authority if the Government employee concerned is an allottee of Government accommodation.]

9.3 [(1) The Head of Office shall write to the Accounts Officer (Rent)/Rent Assessing Authority at least two years before the anticipated date of retirement of the Government employee who is in occupation of a Government accommodation (hereinafter referred to as allottee) for the issue of a "No demand certificate" in respect of the period preceding eight months of the retirement of the allottee.
(i) 100% pension as determined under sub-rule (3) as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the Government employee; and

(ii) 100% of gratuity as provisional gratuity determined under sub-rule (3) after deducting there from the dues mentioned in rule 9.17;

(b) he shall indicate in the Sanction letter the amount recoverable from the gratuity under sub rule (1) of rule 9.9.

(5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.

(6) (a) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of Government employee. If the amount of final pension and the amount of final gratuity had been determined by the Pension Sanctioning Authority in consultation with the Audit Officer before the expiry of the said period of six months, the Audit Officer shall-

(i) issue the pension payment order; and

(ii) authorise the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of clause (a) of sub-rule (4) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity. If the Government employee was an allottee of Government accommodation, the amount of gratuity withheld under sub-clause (ii) of clause (a) of sub-rule (4) should be refunded on receipt of no demand certificate from the Accounts Officer (Rent)/Rent Assessing Authority.

(b) If the amount of provisional pension disbursed to a Government employee under sub-rule (4) is on its final assessment found to be in excess of the final pension assessed by Audit Officer, it shall be open to the Audit Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (ii) of clause (a) of sub-rule (4) or recover the excess amount of pension in instalments by making short payments of pension payable in future.
(c) (i) If the amount of provisional gratuity authorized by the Pension Sanctioning Authority under sub-rule (4) is larger than the amount finally assessed, the retired Government employee shall not be required to refund excess amount actually disbursed to him.

(ii) The Pension Sanctioning Authority shall ensure that chances of authorising the amount of gratuity in excess of the amount finally assessed are minimised and the official responsible for the excess payment shall be accountable for the over-payment.

(7) If the final amount of pension and gratuity have not been determined by the Pension Sanctioning Authority in consultation with the Audit Officer within a period of 6 months referred to in clause (a) of sub-rule (6), the Audit Officer shall treat the provisional pension and gratuity as final and issue pension payment order immediately on the expiry of the period of 6 months.

9.11 [(1) (a) On receipt of pension papers referred to in rule 9.7 the Audit Officer shall apply the requisite checks and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the Government employee if the pension is payable in his circle of accounting unit.

(b) If the pension is payable in another circle of accounting unit, the Audit Officer shall send the pension payment order alongwith a copy of Form PEN 1 to the Audit Officer of that unit for arranging payment.

(2) The payment of the amount of gratuity to the retired Government employee as determined by the Audit Officer under clause (a) of sub-rule (1) shall be authorised at a Treasury after adjusting the Government dues, if any, referred to in rule 9.17.

(3) The amount of gratuity withheld under sub-rule (5) of rule 9.18 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Accounts Officer (Rent)/Rent Assessing Authority and the balance, if any, refunded to the retired Government employee.

9.12 If the provisional pension or gratuity or both sanctioned under sub-rule (4) of rule 9.10, is desired to be paid by the pension through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost.
Action under clauses (a), (b) and (c) of sub-rule (1) shall be completed eight months prior to the date of retirement of the Government employee.\(^3\)

9.6 [The Head of Office shall complete Part I of Form PEN 1 not later than six months of the date of retirement of the Government employee.]\(^3\)

9.7 9.5 and 9.6, the Pension Sanctioning Authority shall forward to the Audit Officer form PEN 9 and form PEN 1 duly completed with a covering letter in form PEN 16 along with service book of the Government employee fully completed, up-to-date, and any other documents relied upon for the verification of service.

(2) The Head of Office shall retain a copy of each of the forms referred to in sub-rule (1) for its record.

(3) Where the payment is desired in another circle of accounting unit, the pension Sanctioning Authority shall send Form PEN 1 in duplicate to the Audit Officer.

(4) The papers referred to in sub-rule (1) shall be forwarded to the Audit Officer not later than six months before the date of retirement of Government employee.\(^3\)

9.8 [If, after the pension papers have been forwarded to the Audit Officer within the period specified in sub-rule (4) of rule 9.7, any event occurs which has a bearing on the amount of pension admissible, the facts shall be promptly reported to the Audit officer by the pension Sanctioning Authority.]\(^3\)

9.9 [(1) The Head of Office after ascertaining and assessing the Government dues as in rule 9.17, shall furnish the particulars thereof to the Audit officer at least two months before the date of retirement of a Government employee so that the dues are recovered out of the gratuity before its payment is authorised.

(2) If, after the particulars of Government dues have been intimated to the Audit Officer under sub-rule (1) any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to Audit Officer. He shall also record these additional dues in the last pay certificate.]\(^3\)

9.10 [(1) The various stages of action laid down in rule 9.5 shall be strictly followed by the Head of Office. There may be an isolated case where, in spite of following the procedure laid down in rule 9.5, it may
not be possible for the Pension Sanctioning Authority to forward the pension papers referred to in rule 9.7 to the Audit Officer within the period prescribed in sub-rule (4) of that rule, or where the pension papers have been forwarded to the Audit Officer within the prescribed period but the Audit Officer may have returned the pension papers to the Pension Sanctioning Authority for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the pension Sanctioning Authority in such a case is of the opinion that the Government employee is likely to retire before his pension and gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, he shall, without delay take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose he shall:-

(i) rely upon such information as may be available in the official records and

(ii) ask the retiring Government employee to file a written statement on plain paper stating the total length of qualifying service including details of emoluments drawn during the last ten months of service but excluding the breaks and other non-qualifying periods of service.

(2) The Government employees while furnishing the statement as in clause (ii) of sub-rule (1) shall, at the foot of the statement, make, and subscribe to, a declaration as to the truth of the statement.

(3) The Pension Sanctioning Authority shall thereafter determine the qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official record and the information obtained from the retiring Government employee under sub-rule (1). He shall, then, determine the amount of provisional pension and amount of provisional death-cum-retirement-gratuity.

(4) After the amount of pension and gratuity have been determined under sub-rule (3), the Pension Sanctioning Authority shall take further action as follows:-

(a) he shall issue a sanction letter and endorse a copy thereof to the Audit Officer for authorising payment at a treasury of the following:-
Provided that in the case of any pensioner who has been authorised payment of provisional pension not exceeding two hundred and fifty rupees so per mensem (inclusive of the amount or relief on pension) that amount shall, at the request of the pensioner, be remitted to him by money order at Government expense.]²

9.13 [(In the case of a Government employee who retires while on deputation or while on foreign service action to authorise pension and gratuity in accordance with the provisions of this chapter shall be taken by the cadre authority which sanctioned deputation or foreign service)]²

9.14 [(1) If the payment of gratuity has been authorised after three months from the date when its payment became due, and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the rate of 5% per annum or any enhanced rate as may be decided by Government from time to time on the amount of gratuity in respect of the period beyond three months shall be paid;

Provided that the delay in payment was not caused on account of failure on the part of the Government employee to comply with the procedure laid down in this Chapter.

(2) Every case of delayed payment of gratuity shall, suō moto, be considered by the Administrative Department, as the case may be, and where the Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, that Department shall make a recommendation to the Administrative Department for the payment of interest.

(3) If the recommendation of the Department made under sub-rule (2) is accepted by the Administrative Department, it shall issue Governor's sanction for the payment of interest.

(4) In all cases where the payment of interest has been authorised by the Administrative Department, the Department concerned shall fix the responsibility and take disciplinary action against the Government employee or employees concerned who are found responsible for the delay in the payment of gratuity.

(5) If as a result of Government's decision taken subsequent to the retirement of a Government employee the amount of gratuity already paid upon his retirement is enhanced on account of:-

(a) grant of emoluments higher than the emoluments on which gratuity, already paid, was determined; or

(b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the Government employee concerned; no interest on the arrears of gratuity shall be paid.)

9.15 (1) (a) In respect of a government employee referred to in rule 2.2 of these rules, the Audit Officer shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government employee, or if he was under suspension on the date of retirement, up to the date of immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorised by the Audit Officer during the period commencing from the date of retirement up to and including the date on which, after the concluding of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the Government employee until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government employee upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

9.16 (1) Subject to the provision of rule 2.2, pension once authorised after final assessment shall not be revised to the disadvantage of the Government employee, unless such revision becomes necessary on account of detection of a clerical error subsequently;

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Pension Sanctioning Authority without the concurrence of the Finance Department if the clerical error is detected after a period of two years from the date of authorisation of pension.
(2) For the purpose of sub-rule (1), the retired Government employee concerned 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.

(3) In case the Government employee 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 the Office may direct."

9.17 [(1) Action for reconciliation of long-term advances shall be initiated one year prior to the retirement of the Government employee.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government employee, shall be adjusted against the amount of death-cum-retirement-gratuity becoming payable.

(3) The expression, "Government dues" includes,-

(a) dues pertaining to Government accommodation including arrears of licence fee, if any;

(b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deduction at source under the Income Tax Act, 1961 (43 of 1961)."

9.18 [(1) The Accounts Officer (Rent)/Rent Assessing Authority on receipt of intimation from the Head of Office under sub-rule (1) of rule 9.3 regarding the issue of No Demand Certificate shall scrutinise its record and inform the Head of Office eight months before the date of retirement of the allottee, if any licence fee was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight months of his retirement.

(2) The Head of Office shall ensure that licence fee for the next eight months, that is up to the date of retirement of the allottee is recovered every month from the pay and allowances of the allottee.
Where the Accounts Officer (Rent)/Rent Assessing Authority intimates the amount of licence fee recoverable in respect of period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances the balance shall be recovered out of the gratuity before the payment is authorised.

The Accounts Officer (Rent)/Rent Assessing Authority shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of two months beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of gratuity together with the unrecovered licence fee, if any, mentioned in sub-rule (3).

If in any particular case, it is not possible for the Accounts Officer (Rent)/Rent Assessing Authority to determine the outstanding licence fee, that office shall inform the Head of Office that 10% of the gratuity or one thousand rupees, whichever is less, may be withheld pending receipt of the further information.

The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of two months after the date of retirement of the allottee shall be the responsibility of the Accounts Officer (Rent)/Rent Assessing Authority.

Note: For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.

9.19 (1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub-rule (3) of rule 9.17, the Head of Office shall take steps to assess the dues two years before the date on which a Government employee is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

(2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of Office eight months prior to the date of the retirement of the Government employee.
(3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government employee, shall be adjusted against the amount of death-cum-retirement gratuity becoming payable to the Government employee on his retirement.

9.20 When a Government employee retires from service:-

(a) a notification in the Official Gazette in the case of gazetted Government employee, and

(b) an office order in the case of a non-gazetted Government employee,

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 Audit Officer:

Provided that where a notification in the official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a Government employee, is issued a further notification or office order that the Government employee has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

SECTION II

DETERMINATION AND AUTHORISATION OF THE AMOUNT OF FAMILY PENSION AND DEATH-CUM-RETIREMENT-GRATUITY IN RESPECT OF GOVERNMENT EMPLOYEES DYING WHILE IN SERVICE

9.21 (1) Where the Head of Office has received an intimation about the death of Government employee while in service, he shall ascertain whether any death-cum-retirement gratuity or Family Pension or both is/are payable in respect of deceased Government employee.

(2) (a) Where the family of the deceased Government employee is eligible for the death-cum-retirement gratuity under rule 6.16 (A) of these rules, the Head of Office shall ascertain:-

(i) if the deceased Government employee had nominated any person or persons to receive the gratuity; and
(ii) If the deceased Government employee had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Head of Office shall then, address the person concerned in form PEN 19 or form PEN 20 as may be appropriate for making a claim in Form PEN 1-B.

(3) Where the family of the deceased Government employee is eligible for family pension under Appendix I to these rules,-

(a) the Head of Office shall address the widow or widower in Annexure I to Appendix I to these rules for making a claim in Annexure II to Appendix I to these rules; or

(b) where the deceased Government employee is survived only by a child or children, the guardian of such child or children may submit a claim in Annexure II to Appendix I to these rules;

Provided that the guardian shall not be required to submit a claim in the said form on behalf of a child, if the child has attained the age of 18 years, if male and 21 years, if female, and such child may himself or herself submit a claim in the said form.

(4) If on the date of death, the Government employee was an allottee of Government accommodation; the Head of Office shall address the Accounts Officer (Rent)/Rent Assessing Authority for the issue of "No Demand Certificate" in accordance with the provisions of sub-rule (1) of rule 9.27.

9.22 [(1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provision of rule 9.21 shall simultaneously undertake the completion of form PEN 17. The work shall be completed within one month of the date on which intimation regarding the date of death of the Government employee has been received.

(b) The Head of Office shall go through the service book of the deceased Government employee and satisfy himself as to whether certificates of verification of the service for the entire service are recorded therein.

(c) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this
purpose, the Head of Office may rely on any other relevant material to which he may have ready access while accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2) (a) For the purpose of determination of emoluments of family pension and death-cum-retirement-gratuity, the Head of Office shall confine the verification of correctness of emoluments or a maximum period of one year preceding the date of death of the Government employee.

(b) In case the Government employee was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of commencement of extraordinary leave shall be verified.

(3) the process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the Government employee and the amount of family pension and death-cum-retirement gratuity shall also be calculated accordingly.

9.23. [According to the existing instructions, there should not be any case where service book has not been maintained properly. If in any particular case, the service book has not been maintained properly despite the Government's orders on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of office shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be confined to the following spells of service:-

(a) For the purpose of Family Pension Scheme, 1964:-

(i) if the deceased Government employee on the date of death had rendered more than one year of service but less than seven years of Service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and the amount of family pension determined under para 1 of Appendix I to these rules,

(ii) if the deceased Government employee on the date of death had rendered more than seven years of service, the service for the last seven years and
emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of family pension and the period for which it is payable shall be determined in accordance with the provision of para 2 of Appendix I to these rules,

(iii) if the deceased Government employee at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office, but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provision of para 1 of Appendix I to these rules,

(iv) the service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rates and the period for which it is payable shall be determined in accordance with the provision of para 2 of Appendix I to these rules,

(v) the determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of the Government employee.

(b) for the purpose of death-cum-retirement gratuity:

(i) if the deceased Government employee had, on the date of his death rendered more than five years qualifying service but less than twenty-four years of qualifying service, and the spell of last five years service has been verified and accepted by the Head of Office under clause (a), the amount of death-cum-retirement gratuity shall be equal to twelve times of his emoluments as indicated in clause (a), of sub-rule (2) of rule 6.16A of these rules where the verified and accepted service is less than five years of qualifying service, the amount of death-cum-retirement gratuity shall be the amount as indicated in clause (b) of sub-rule (2) of rule 6.16-A of these rules;

(ii) if the deceased government employee had rendered more than twenty-four years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under
sub-clause (i), the family of the deceased Government employee shall be allowed on the provisional basis, the death-cum-retirement gratuity equal to twelve times of the emoluments. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of the death-cum-retirement gratuity shall then be authorised to the beneficiaries.

9.24 [(1) On receipt of claim or claims, the Head of Office shall complete items 20, 21, 22, 23, 24 of form PEN 17 and send the said form in original to the Audit Officer with a covering letter in form PEN 18 along with the Government employee's service book duly completed up to date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of the claim by the Head of Office.

(2) The Head of Office shall retain one copy of the aforesaid form PEN 17 for his office record.

(3) If the payment is desired in other circle of accounting unit, form PEN 17 shall be sent in duplicate to the Audit Officer.

(4) The Head of Office shall draw the attention of the Audit Officer to the details of Government dues outstanding against the deceased government employee, namely:

(a) Government dues as ascertained and assessed in term of rule 9.27 and recoverable out of the gratuity before payment is authorised;

(b) amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity;

(c) the maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to 10% of the amount of gratuity or Rs.1000/-, whichever is less.
(a) If Form PEN 17 has been completed and the claim or claims in the respective forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward form PEN 17 and the documents referred to the sub-rule (1) to the Audit Officer leaving unfilled items 20, 21, 22, 23 and 24 of part I of the said form;

(b) As soon as the claim or claims are received by the Head of Office they shall immediately be forwarded to the Audit Officer with the request that item 20, 21, 22, 23 and 24 of Part I of form PEN 17 may be filled by the Audit Officer.}

19.25 (1) After the documents referred to in rule 9.24 have been sent to the Audit Officer, the Pension Sanctioning Authority shall issue a sanction letter and endorse a copy thereof to the Audit Officer for authorising payment at a treasury of the provisional family pension and 100% of gratuity as determined. He shall also indicate in the sanction letter the amount recoverable out of gratuity under sub-rule (4) of rule 9.24.

(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 employee unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 9.26.

(3) If the claimant or any of the claimants desire the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him or her through money order or bank draft at his or her cost.

Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding two hundred and fifty Rupees (inclusive of relief on family pension) per mensem, the amount of pension shall, at the request of the claimant, be remitted to him or her by money order at Government expense.]

19.26 (1) On receipt of the documents referred to in sub-rule (1) of rule 9.24, the Audit Officer shall, within a period of three months from the date of receipt of the documents, apply the requisite checks and complete section I of Part II of form PEN 17 and assess the amount of family pension and gratuity.

Provided that if the Audit Officer is, for any reason unable to assess the final amount within the period
aforesaid he shall continue to authorise the provisional family pension to the claimant for such period as may be required by him.

(2) (a) If the family Pension is payable in his circle of accounting unit, the Audit Officer shall prepare the pension payment order.

(b) the payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

(c) Arrears of family pension, if any, in respect of the period for which provisional family pension was sanctioned by the Head of Office shall also be authorised by the Audit Officer.

(3) The Audit Officer shall determine and authorise payment of the amount of the balance of gratuity after adjusting the amount, if any, outstanding against the deceased Government employee.

(4) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Audit Officer and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of the provisional family pension is payable in another circle of accounting unit, the Audit Officer shall send the pension payment order together with the copy of form PEN 17 duly completed to the Audit Officer of that unit for arranging payment.

(6) (a) If the amount of gratuity sanctioned by the Head of Office proves to be larger than the amount finally assessed by the Audit Officer the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of sanctioning the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the overpayment.

9.27(1)(i) If on the date of death the Government employee was allottee of Government accommodation, the Head of Office on receipt of intimation regarding the death of the Government employee shall within seven days of the receipt of such intimation write to the Account Officer (Rent)/Rent Assessing Authority for the issue of "No Demand Certificate" so that authorisation of
family pension and death-cum-retirement gratuity is not delayed. While addressing the Accounts Officer(Rent)/Rent Assessing Authority for the issue of no demand certificate, the Head of Office shall also supply the following information in duplicate (one copy marked to the Rent Wing and the second to the Allotment Wing):-

(a) name of the deceased Government employee with designation;

(b) particulars of the accommodation (Quarter No., type and sector);

(c) date of death of Government employee;

(d) Whether the Government employee was on leave at the time of his death and, if so, the period and nature of leave;

(e) Whether the government employee was enjoying rent free accommodation;

(f) the period up to which licence fee has been recovered from the pay and allowances of the deceased Government employee and the monthly rate of recovery and particulars of pay bill under which last recovery was made;

(g) if the licence fee had not been recovered up to the date of death and the family intends to retain Government accommodation for the permissible period of four months from the date of death of the Government employee, details of the:-

(a) period for which licence fee still remains to be recovered;

(b) the amount of licence fee in respect of the period at (a) to be determined on the basis of the standard rent bill;

(c) the amount of licence fee for the retention of Government accommodation by the family of the deceased Government employee for the concessional period of four months beyond the date of death of Government employee to be determined on the basis of standard rent bill;

(d) the amount of licence fee mentioned at (b) and (c) proposed;

(e) details of any previous reference from the Accounts Officer (Rent)/Rent Assessing Authority
having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(ii) The head of office shall recover from the death-cum-retirement gratuity the amount of licence fee as intimated to the Accounts Officer (Rent)/Rent Assessing Authority under clause (i).

(iii) The recovery of licence-fee for the occupation of Government accommodation beyond the permissible period of four months shall be the responsibility of the Accounts Officer (Rent)/Rent Assessing authority.

(iv) The Accounts Officer (Rent)/Rent Assessing Authority shall scrutinise their records with a view to determine if licence fee other than the licence fee referred to in clause (i) was outstanding against deceased Government employee. If any recovery is found, the amount and the period to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of three months of the receipt of intimation regarding the death of the government employee under clause (i).

(v) Pending receipt of information under clause (iv), the Head of Office shall withhold ten per cent of the death-cum-retirement gratuity or one thousand rupees, whichever is less.

(vi) If no intimation is received by the Head of Office within the period prescribed under clause (iv) regarding recovery of licence-fee, it shall be presumed that nothing was recoverable from the deceased Government employee and the amount of gratuity withheld shall be paid to the personal or persons to whom the amount of death-cum-retirement gratuity was paid.

(vii) If the Head of Office has received intimation from the Accounts Officer (Rent)/Rent Assessing Authority under clause (iv) regarding licence fee outstanding against the deceased Government employee, the Head of Office shall verify from the acquaintance rolls if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased Government employee. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the Accounts Officer (Rent)/Rent Assessing Authority had already been recovered, the Head of Office shall draw the attention of the Accounts Officer (Rent)/Rent Assessing Authority to the pay bills under which the necessary recovery of
the licence fee was made and subject to the provisions of sub-rule (2) take steps to pay the amounts of gratuity with held under clause (v) to the person or persons to whom the death gratuity was paid.

(viii) If the outstanding amount of licence fee was not recovered from the pay and allowances of deceased Government employees the outstanding amount shall be adjusted against the amount of the gratuity withheld under clause (v) and the balance, if any, repaid to the person or persons to whom the amount of death-cum-retirement-gratuity was paid.

(2) The Head of Office shall within one month of the receipt of intimation regarding death of a Government employee, take steps to ascertain if any dues as referred to in rule 9.17 excluding the dues pertaining to the allotment of Government accommodation were recoverable from the deceased Government employee. Such ascertainable dues shall be recovered from the amount of death-cum-retirement gratuity becoming payable to the family of the deceased Government employee.

[9.28 In the case of a government employee who dies while on deputation or while on foreign service action to authorise the payments of family pension and death-cum-retirement gratuity in accordance with the provisions of this chapter shall be taken by the cadre authority which sanctioned the deputation or foreign service.]
CHAPTER X - PAYMENT OF PENSIONS

SECTION I - GENERAL RULES

A - DATE OF COMMENCEMENT OF PENSION

10.1 [Apart from special orders, a pension, other than a wound or extraordinary pension under chapter VIII, is payable from the date on which the pensioner ceased to be borne on the establishment.]**

Note-1: The pension of a government employee who under Rule 5.9 has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.

Note-2: A Government employee who has taken leave without pay in the hope of being able to resume duty and who subsequently decides that his health will not permit of his return should not be regarded as entitled to pension from the commencement of his leave without pay.

10.2 The preceding rule applies to ordinary, not to special cases. If, under special circumstances, a pension is granted long after a Government employee had retired, retrospective effect should not be given to it without the special orders of the Government; in the absence of special orders such a pension takes effect only from the date of sanction.

10.3 In cases where considerable delay has occurred in making application for a wound or injury pension it will, save as provided in Chapter VIII, be granted only from the date of the report by the Medical Board and no application for a gratuity or pension will be entertained unless submitted within five years of the date of the wound or injury.

10.4 Cancelled.

10.5 [Deleted]**

10.6 [All pensions shall be payable in rupees in India.]**

10.6-A to 10.9 - [Deleted]**

10.10 Deleted (with effect from 1st March, 1961).

SECTION II

A - PENSION PAYMENT ORDER

11 The Accountant General of the State in which payment is to be made will communicate to the treasury
officer, who is to pay the pension, authority to make the payment: in the case of a pension such authority will be a Pension Payment Order in Form Pen.10.

Note: Each pension payment order will be accompanied by a wallet intended to be delivered by the disbursing officer to the pensioner concerned for use in respect of the pensioner's half of the Pension payment order.

B - PAYMENT OF GRATUITIES

10.12 (a) A gratuity is paid in a single sum, and not in instalments, on receipt of the Accountant General's authority.

(b) A gratuity may, at the discretion of the competent authority or with its sanction on the application of the recipient, be converted either into a life annuity, or into a temporary life annuity, or into an annuity payable for a fixed number of years, or into the remainder to the annuitant's heirs in case of death. The amount of the life annuity will be determined by the table prescribed under the rules in Chapter XI, while that of the temporary life annuity and the remainder to the annuitant's heirs will be determined in each case in consultation with the Actuary to the Government of India on assumption of the same rates of interest and mortality on which the table prescribed under the rules in Chapter XI is based.

(c) The competent authority will never insist on conversion of a gratuity into an annuity, unless it is in the expectation of life of the Government employee reported by competent medical authority to be less than the average.

C - Lapses and Forfeiture

10.13 (a) Unless the Government by general or special otherwise directs, a pension remaining undrawn for a period of more than one year shall cease to be payable by the disbursing officer. If the pensioner or his claim is presented on his behalf, the disbursing officer may make the payment but the arrears can be paid:

(i) If the amount in arrears does not exceed one thousand and five hundred rupees or with the sanction of the collector of the district in which the pension payment office is located if it exceeds two thousand and five hundred rupees, but does not exceed five thousand rupees; provided that in the cases the arrears shall not be paid for the
time without obtaining the sanction of the authority by whom the pension was sanctioned.

(ii) In all other cases with the sanction of the authority by whom the pension was sanctioned:

provided that if in any case a pension remains undrawn for a period of three years or more in the case of service pension, six years or more in the case of political pension, it will not be paid without the authority of the Accountant General.}

b) Substituted - [(10.13(a) & (b) are substituted to - (a))]}

c) If the suspension of payment is attributable to error or neglect by any public officer, the Accountant General may direct payment of the arrears without taking the orders of the authority competent to sanction the arrears.

d) On the death of a pensioner, payment of any arrears actually due may be made to his heirs; provided that they apply within one year of his death.

It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant General.

e) But if the arrears do not exceed [Rs.1500] and the case presents no peculiar features, the Accountant General is empowered to pass the arrears on his authority.

f) After payment of the arrears of pension, both halves portions of the pension payment order should be returned to the Accountant General with a report of the date of death of the Pensioner.

i) A gratuity payment order shall remain in force for one year only and no such order shall be retained in a disbursing office, if payment has not been made on it within a year of its issue.

SECTION III-PAYMENT IN ENGLAND

.14 to 10.22 - [Deleted]
E - COMMUTATION OF PENSIONS
CHAPTER XI - COMMUTATION OF CIVIL PENSIONS
SECTION I - GENERAL

11.1 (1) A Government employee shall be entitled to commute for a lumpsum payment a fraction not exceeding one third of his pension. The fraction of pension so commuted shall, however, be restored to him after the completion of 70 years of age.

(2) In an application for commutation in Form PEN 12 or Form PEN 12A, as the case may be, the applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation:

Provided that in calculating the amount of the uncommuted residue there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from the revenues of the Haryana Government, any other State Government, or Central Government:

Provided further that a Government employee against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under rule 2.2 (b) ibid, shall not be permitted to commute any part of his pension during the pendency of such proceedings.

Note-1: The commutation of a provisional pension will require the sanction of the Finance Department. An explanation of the reasons of delay in the sanction of final pension should be furnished to the Finance Department, alongwith the report on the title to the commutation applied for. In order to secure repayment of the commuted value of the part of provisional pension paid in, declaration in the form enclosed should be obtained from the pensioner concerned alongwith the application for commutation.

FORM OF DECLARATION

Whereas the (here state the designation of the officer sanctioning the commutation) has consented, provisionally to advance to me the sum of _______ being the commuted value of a part of the provisional pension, in anticipation of the
completion of the enquires necessary to enable the Government to fix the amount of any pension and consequently the part of that pension that may be commuted. I hereby acknowledge that in accepting the advance, I fully understand that the commuted value now paid is subject to revision on the completion of the necessary formal enquiries, and I promise to base no objection to such revision on the ground that the provisional amount now to be paid to me as the commuted value of the part of provisional pension exceeds the amount to which I may be eventually found entitled. I further promise to repay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of the amount to which I may be eventually found entitled.

Note-2: If two different Governments within the meaning of direction I in Appendix 3 to the Punjab Financial Rules, are concerned, a Government employee shall be deemed to be under the administrative control of the Government (other than the Central Govt.) to which the payment of the commuted value of his pension will be debited and the application for commutation shall be disposed of by that Government according to the procedural rules framed for its own employees. In cases, in which the commuted value of pension, divisible between the Central Government and that State Government, is wholly chargeable to the Central Government, the application for commutation should be decided by the State Government to which the pension is partly chargeable. If, however, an application for commutation is made before the date on which the pension is sanctioned the Government under which the applicant was last permanently employed shall be the Government competent to dispose of his application in accordance with the procedural rules prescribed for its employees.

Note-3: Government employee, even if belonging to a class entitled to commute ordinary pension, is entitled to commute a compassionate allowance. A commutation of such an allowance may be sanctioned by competent authority only on proof that the proceeds of the commutation will be invested for the permanent benefit of the commuter's family.

Note-4: These rules are also followed generally, as a matter of convenience, in respect of commutation of pensions of political pensioners who are non-officials, subject to the following main reservations:

(1) the tables of present values prescribed under rule 11.5 apply to commutation of these pensions with 10 per cent deduction.
(2) the reduction of pension by the commuted portion will take effect from the date of payment of the commuted value.

SECTION II - SUBMISSION OF APPLICATIONS

11.2 An application for commutation of pension should be made in Part I of Form PEN. 12, accompanied by two passport size photographs (one duly attested and other without any attestation) and addressed:

(1) if the applicant is still in service, or has retired, but his pension has not yet been sanctioned, to the authority competent to sanction his pension, through the Head of the Office in which he is or was employed, or, if he is or was himself the Head of the Office, through the Head of his Department;

(2) if the applicant's pension has already been sanctioned:

(a) if he draws his pension from a Treasury in India or if, being resident in a colony having an account current with the Accountant General, Central Revenue, he draws his pension from the local treasury, to the Head of the Office in which he was employed at the time of his retirement, or if, he was himself the Head of the Office to the Head of his Department; and

(b) if he draws his pension otherwise than in sub-clause (a) to the High Commissioner for India, provided that in the case of pensioners residing in a Dominion or Colony, other than those referred to in sub-clause (a) the application shall be addressed to the High Commissioner through the official from whom the pension is drawn.

Note: The attested copy will be pasted on part I of Form PEN.12 and the other copy loosely attached to it.

11.3 The authorities mentioned in rule 11.2 (1) and 11.2 (2) (a) after complying with the instructions contained in note 2 under rule 11.6 shall forward the application to the proper Accounts Officer, who is:

(a) in the case of an applicant mentioned in rule 11.2 (1) the Accounts Officer who is reporting on the title to his pension;

(b) in the case of pensioner mentioned in Rule 11.2 (2) (a) -

(i) if he draws his pension in India, the Accounts
Officer of the State in which the treasury from which the pensioner draws his pension is situated;

(ii) if being resident in a colony having an account current with the Accountant General, Central Revenues, he draws his pension from the local treasury, the Accounts Officer who issued the authority for payment of the pension in the colony.

Note-1: If the pensionary charge is adjustable in the books of a different Accounts Officer, who received the application should transmit it forthwith to that officer.

Note-2: In forwarding an application for commutation of pension already sanctioned, the number of the pensions payment order held by the pensioner and the name of the treasury from which the pension is drawn should invariably be given to enable the Accounts Officer to trace his pension file.

SECTION III—REPORT BY THE ACCOUNTS OFFICER

11.4 The Accounts Officer should complete Part [IV]** of Form Pen.12 without delay and transmit it together with copies of the medical reports mentioned in the concluding portion of Rule 11.7 (iii), if they are on record in his office, to the authority competent to sanction the commutation, whether that authority is correctly named in Part I, or not.

Note: In order to avoid delay and save the pensioners from loss, the Accounts Officer should issue a report on the commutation of pension in advance of the formal report on the title to pensions in cases in which the report on the title to pension is not likely to be issued, in sufficient time to permit of arrangements being carried through before the applicants next birthday; provided that the portion of the pension to be commuted is clearly well below one-half of the approximate amount of the total pension likely to be sanctioned. If, in such a case, the commutation becomes absolute before the pension is formally sanctioned, the payment of commutation money should not be authorised until the formal sanction of the pension is received but an intimation of the possibility of loss because of delay in the sanction to pension should be sent to the pensioner when reporting on the claim for commutation.

This relates to the position which exists when no pension has been sanctioned, i.e. it contemplates that no commutation of pension will be paid until the pension itself is sanctioned. In the case of an
anticipatory pension, sanction to the amount of pension granted as anticipatory pension can for all practical purposes be taken as given, since an anticipatory pension is always sanctioned at an amount less than the amount of pension ordinarily admissible. In cases in which a portion of an anticipatory pension is commuted, commutation value should, therefore, be paid as soon as the the commutation becomes absolute and that reports on the title to commutation of a portion of an anticipatory pension should be referred to the Administrative Department concerned who will obtain the concurrence of the Finance Department.

11.5 The lump sum payable on commutation shall be calculated in accordance with a table or tables of present values which shall be prescribed by the competent authority.

Note-1: The lump sum payable on commutation to Government employees who have served under more than one Government when the commutation tables applied by the different Governments are not identical, shall be calculated according to the commutation table of the Government under whose rule-making control they are, at the time of retirement. In the case of Government employees who are temporarily lent by one Government to another the commutation shall be according to the table of the lending Government and in the case of those who are permanently transferred from one Government to another it shall be according to the table of the Government to which their services have been permanently transferred.

Note-2: In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute; payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force, to withdraw his application, by notice in writing despatched within 14 days of the date on which he receives notices of the modification.

The table of present values is given in Annexure to this Chapter and will be applicable to all Government employees.

For the purpose of this rule, the age, in case of impaired lives, shall be assumed to be such age not being less than the actual age as the certifying medical authority may direct.
SECTION IV-ADMINISTRATIVE SANCTION AND MEDICAL EXAMINATION

A- ADMINISTRATIVE SANCTION

11.6 (The forwarding of application in Part III of Form PEN 12 and Form PEN 12A by the Sanctioning Authority to the audit office for arranging payment shall be treated as administrative sanction/approval for commutation.

Note-1: If the Accounts Officer’s certificate in Part IV shows that the commutation charges fall partly on any other State Government which has stipulated that it should be consulted regarding availability of funds, the sanctioning Authority must obtain that Government’s consent before arranging the payment. These Governments are Tamil Nadu, Maharashtra, West Bengal, Uttar Pradesh and Assam.)

Note-2: [Deleted.]

B - INTIMATION TO THE APPLICANT AND THE CHIEF ADMINISTRATIVE MEDICAL OFFICER

11.7 The Sanctioning Authority should then—

(i) transmit to the applicant, on Form PEN.13, a certified copy of the Accounts Officer’s certificate contained in Part [IV] of Form PEN.12 (of lump sum payable on commutation in the event of his being reported by the medical authority prescribed in rule 11.9 to be a fit subject for commutation) and one copy of Form PEN.14, Part I of which is to be filled in by the applicant before his medical examination and handed to the medical authority.

(ii) instruct him to appear for examination before the said medical authority within three months from the date of its order, or if he has applied for commutation in advance of the date of his retirement, within three months of that date, but in no case earlier than the actual date of retirement;

(iii) forward to the Chief Administrative Medical Officer, in original the completed Form Pen.12 together with a copy of Form PEN.14 a copy of the unattested photograph sent along with the application as in rule 11.2 above and an extra copy of Part [IV] of that Form if the applicant has been granted an invalid pension, or has previously commuted any portion of his pension (or declined to accept commutation on the basis of an addition of years to his actual age, or has been refused commutation) on medical grounds, copies of the previous medical reports or statements of his case.