

PART – I
THE TAMIL NADU
PENSION RULES, 1978

THE TAMIL NADU PENSION RULES

THIRD EDITION

[Corrected till 31st May 2010]

PREFACE TO THE THIRD EDITION

The previous edition of this book stands corrected till 21st August 1986.

2. This edition has been revised incorporating all the amendments issued during the period from 22nd August 1986 to 31st May 2010.

3. Part-I contains "The Tamil Nadu Pension Rules, 1978".

4. Parts II, III and IV contains "The Tamil Nadu Extraordinary Pension Rules", "The Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941" and "Tamil Nadu Civil Pensions (Commutation) Rules, 1944".

5. Various Gratuity Rules, the All India Service (Death-cum-Retirement Benefits) Rules, 1958, the Pension Act, 1871 and High Court Judges (Conditions of Service) Act, 1954 are also included in the Appendices.

6. Errors or omissions, if any found in this book, may be brought to the notice of the Principal Secretary to Government, Finance (Pension) Department, Government of Tamil Nadu.

Dated 31st May 2010.
Finance Department,
Government of Tamil Nadu.

K.SHANMUGAM
Principal Secretary to Government

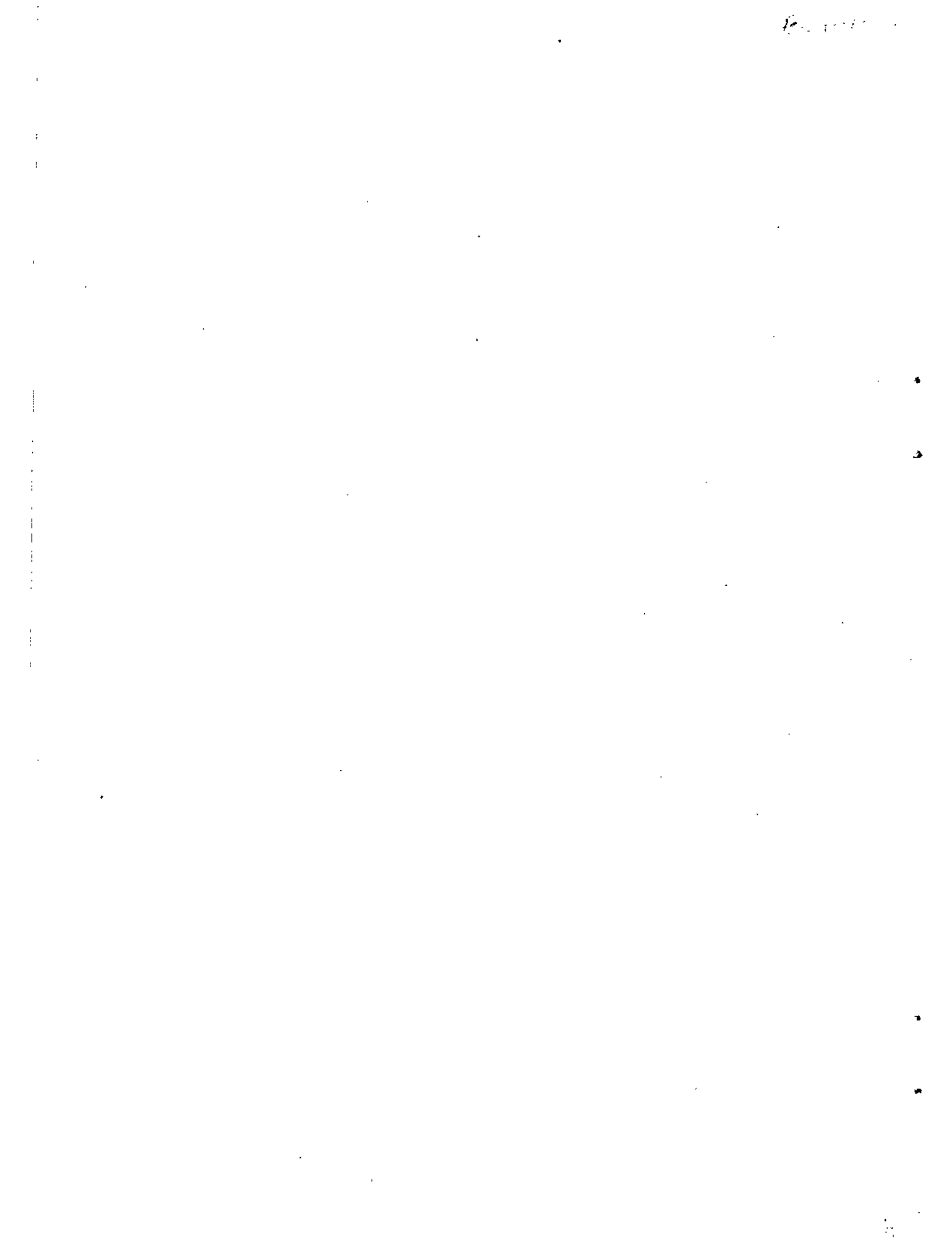


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THE TAMIL NADU PENSION RULES, 1978

CHAPTER – I.

PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Tamil Nadu Pension Rules, 1978.

(2) They shall be deemed to have come into force on the 1st January 1979.

2. Application.— Save as otherwise provided in these rules, these Rules shall apply to all Government Servants appointed to Services and posts in connection with the affairs of the State which are borne on pensionable establishments, whether temporary or permanent, but shall not apply to –

- a) Persons in casual and daily rated employment;
- b) Persons paid from contingencies;
- c) Persons employed on contract except when the contract provides otherwise;
- d) Members of the All-India Services;
- e) Persons entitled to the benefit of a Contributory Provident Fund;
- f) Persons who are entitled to the benefits under the Factories Act, 1948 and the Employees Provident Fund Act, 1952 excluding those who are governed by Statutory Service Rules and belong to pensionable service.

¹[Provided that these rules shall not apply to Government servants appointed on or after the 1st April 2003, to services and posts in connection with the affairs of the State which are borne on pensionable establishment, whether temporary or permanent.]

3. Definitions – In these rules, unless the context otherwise requires-

(1) (a) 'Audit Officer' means the Accountant – General, Tamil Nadu, for service under the Tamil Nadu Government and the appropriate Audit Officer, for service under any other Government or body;

(b) 'Average Emoluments' means average emoluments as determined in accordance with rule 31;

(c) 'Child' means a child of a Government Servant who if a son, is under ³[21 years] 25 years of age and if a daughter is unmarried, and is under ²[24 years] ³[30 years] 25 years of age and the expression children shall be construed accordingly;

¹ Proviso added to Rule 2 – G.O.Ms.No.259, Finance (Pension) Department, dated 06-08-2003.

² Definition (c) for the expression "24 years", the expression "30 years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29th January 1987.

³ Definition (c) for each of the expression "21 years" and "30 years", the expression "25 years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

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¹(cc) '*Dearness Allowance*' means allowances as defined in rule 50-A;

(d) '*Emoluments*' means emoluments as defined in rule 30;

²(e) '*Family Pension*' means 'Family Pension, 1964' admissible under rule 49 but does not include dearness allowance;

(f) '*Foreign Service*' means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or Consolidated Fund of a State or the Consolidated Fund of a Union territory;

(g) '*Form*' means a Form appended to these rules;

(h) '*Government*' means the Government of Tamil Nadu;

(i) '*Gratuity*' includes-

(i) '*Service gratuity*' payable under sub-rule (1) of rule 43

(ii) '*Death- cum- retirement gratuity*' payable under sub-rule (I) of sub- rule (3) of rule 45; and

(j) '*Head of a Department*' means and include-

(i) Officers who have been declared by the Government to be Heads of Department ;

(ii) Any other authority to which Government may delegate the powers of Head of a Department ;

(k) '*Local Fund administered by Government*' means the fund administered by a body which by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retain complete and direct control;

(l) '*minor*' means a person who has not completed the age of eighteen years;

³(m) '*pension*' includes gratuity except when the term pension is used in contradistinction to gratuity but does not include dearness allowance;

(n) '*pension sanctioning authority*' means the authority competent to sanction pension under rule 55;

(o) '*qualifying service*' means permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment;

(p) '*retirement benefits*' include pension or service gratuity and death-cum-retirement gratuity, where admissible;

(q) pension is said to be chargeable according to the 'rule of proportions' when the charge is debitable to several accounts in the proportions in which, the aggregated pay drawn by the officer during the whole of his qualifying service has been paid from them;

¹ Definition (cc) inserted - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.

² Definition (e) substituted for "'family pension" means contributory family pension admissible under rule 49 and includes non-contributory family pension admissible under rule 50;" - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.

³ Definition (m) substituted for "pension" includes gratuity except when the term pension is used in contradistinction to gratuity;" in G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.

NOTE- (i) Duty allowance and deputation (duty) allowance should be included in pay for the purpose of this rule.

(ii) If according to the rule of proportions the share of pension chargeable to one account does not exceed one rupee no charge shall be made to this account; and the share shall be borne by the account chargeable with the greatest share.

(r) 'Treasury' includes a Sub-Treasury

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules have the meanings respectively assigned to them in those rules.

4. Government servants transferred from services and posts to which these rules do not apply.— (1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service of posts to which these rules do not apply shall become subject to these rules;

Provided that it shall be open to him, within six months or the date of issue of the order of his permanent transfer or, if he is on leave on that day, then within six months of his return from leave whichever is later to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.

(2) The option under the proviso to sub-rule (1) shall be exercised in writing and communicated to the authority making such order of transfer.

(3) The option once exercised shall be final.

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CHAPTER - II

GENERAL CONDITIONS

5. Regulation of claims to pension or family pension.— (1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

¹[(2) The day on which a Government servant retires or is retired or is discharged or is allowed to resign from service as the case may be, shall be treated as his last working day. The date of death shall also be treated as a working day.]

²[Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under clauses (d) and (e) of Rule 56 of the Fundamental Rules or Rule 42 of these rules, as the case may be, the date of retirement shall be treated as non-duty day.]

(3) The Government reserve to themselves the right of changing these rules regarding pension, from time to time at their discretion and of interpreting their meaning in case of dispute.

6. Full pension subject to approved service.— (1) Except for ³[***] family pension admissible under rule 49, full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by such Government servant has been approved by the pension sanctioning authority as satisfactory.

(2) If such service has not been satisfactory, the pension sanctioning authority may make such reduction in the amount of pension or gratuity, or both, as it thinks proper:

Provided that no order regarding reduction in the amount of pension or gratuity or both shall be made unless the Government servant has been given a reasonable opportunity for making a representation in the matter:

Provided that further in a case where the pension sanctioning authority is subordinate to the Government, no order regarding reduction in the amount of pension shall be made without the approval of the Government:

Provided also that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

NOTE – The reduction in pension under the above rule shall be affected in whole rupees and shall not be expressed on percentage of pension.

(3) For the purposes of sub-rule (2), the expression ‘Pension sanctioning authority’ shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

¹ Rule 5(2) substituted - G.O.Ms.No.590, Finance (Pension) Department, dated 09-10-1998 with effect from 1st January 1979.

² Proviso to Rule 5(2) added - G.O.Ms.No.54, Finance (BG-III) Department, dated 03-02-1982.

³ Rule 6(1) the word “contributory” omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

(4) The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.

[(5) The Tamil Nadu Public Service Commission shall be consulted before orders making a reduction in the amount of pension are passed.] (till 10th November 1988)

¹[(5) Before passing an order reducing the amount of pension or gratuity or both under this rule, Tamil Nadu Public Service Commission shall be consulted if the Government Servant does not agree to such reduction. The Tamil Nadu Public Service Commission need not be consulted in cases where the Government Servant agrees to the reduction in the amount of pension or gratuity or both, but a copy of the order passed by the Government in such cases shall be sent to the said Commission.]

(6) Nothing contained in this rule shall apply –

- (a) where a part of pension has been withheld or ordered to be recovered under rule 9 : or
- (b) where a part of pension has been reduced under rule 39.
- (c) to effect any recovery which has the effect of punishment.

7. Limitation on number of pensions. - (1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in rule 16, a Government servant who, having retired on a superannuation pension or retiring pension, is subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.

8. Pension subject to future good conduct. - (1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules:

(b) The pension sanctioning authority may by order in writing withhold or withdraw a pension or part thereof, whether Permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

(2) Where a pensioner is convicted of a serious crime by a court, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under sub-rule (1),-

¹ Rule 6(5) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-8-1993 with effect from 11th November 1988.

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(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal : and

(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(4) where the authority competent to pass an order under sub-rule (1) is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order passed under sub-rule (1) by any authority other than the Government, shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission pass such orders, on the appeal as they deem fit.

NOTE:- *In this Rule:-*

(a) the expression "serious crime" includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

(b) the expression "grave-misconduct" includes the communication or disclosure of any secret official code or password or any sketch plan model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect, the interest of the general public or the security of the State.

18-A. Prohibition of membership of any Communal Organisation, etc.-

(1) No pensioner shall be a member of, or be otherwise associated with any organisation:-

(a) which promotes or attempts to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity hatred or ill will between different religious, racial, language or regional groups or castes or communities, or

(b) whose activities are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquility; or

(c) which organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence, or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community.

¹ Rule 8A. added - G.O.Ms.No.89, Finance (Pension) Department, dated 25-2-2000 with effect from 25-02-2000.

(2) If any question arises whether any organization falls under sub-rule (1), the decision of the Government thereon shall be final.

(3) If a pensioner violates the sub-rule (1), the pension sanctioning authority may by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period.

Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

(4) The authority referred to in sub-rule (3) shall, before passing an order thereunder,-

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal; and

(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(5) Where the authority competent to pass an order under sub-rule (3) is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.

(6) An appeal against an order passed under sub-rule (3) by any authority other than the Government shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission, pass such orders on the appeal as they deem fit.

9. Right of Government to withhold or withdraw pension.- (1) (a) The Government reserve to themselves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon re-employment after retirement, and such withholding or withdrawing the pension may be effected irrespective of the fact whether or not any pecuniary loss on account of such grave misconduct or negligence was caused to the Government, to any local body or to any Co-operative Society comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act, 1961;

¹[Provided that before passing an order under this sub-rule withholding or withdrawing the pension of a pensioner, the Tamil Nadu Public Service Commission shall be consulted if the pensioner does not agree to such withholding or withdrawal of the pension. The Tamil Nadu Public Service Commission need not be consulted in cases where the pensioner agrees to withholding or withdrawal of the pension but a

¹ First proviso to Rule 9(1)(a) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-08-1993 with effect from 16th August 1993.

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copy of the orders passed by the Government in such cases shall be sent to the said Commission.]

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

(b) In case there is any pecuniary loss caused to the Government, to any local body or to any co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies. Act. 1961, and if in any, departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement, the Government shall also have the right of ordering recovery from the Pension ¹[or Death-cum-Retirement Gratuity] of the whole or part of the pecuniary loss caused by such grave misconduct or negligence:

Provided that the Tamil Nadu Public Service Commission shall be consulted before any final orders under this clause are passed.

Explanation:- 'Judicial Proceeding' shall include proceeding before any Tribunal constituted by an Act of Parliament or the State Legislature or by a Rule.

(2) (a) The department proceeding referred to in sub-rule(1) if instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the Government that authority shall submit a report recording its findings to the Government.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment-

- (i) shall not be instituted save with the sanction of the Government;
- (ii) shall not be in respect of any event which took place more than four years before such institution; and
- (iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the Procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

²(3) [***]

¹ Rule 9(1)(b) the expression "or Death-cum-Retirement Gratuity" inserted - G.O.Ms.No.1258, Finance (Pension) Department, dated 29-11-1990

² Rule 9(3) omitted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-4-1994.

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental proceedings are continued under sub-rule (2), ¹[or any enquiry is being conducted by the Director of Vigilance and Anti Corruption], a provisional pension as provided in rule 60 or rule 69 as the case may be, shall be sanctioned.

(5) Where the Government decide not to withhold or withdraw pension but order recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule:-

²[(a) departmental proceedings shall be deemed to include the enquiry pending before the Tribunal for disciplinary proceedings.]

(b) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government Servant or pensioner or if the Government Servant has been placed under suspension from an earlier date, on such date; and

(c) judicial proceedings shall be deemed to be instituted-

(i) In the case of criminal proceedings, on the date of complaint or report of a police officer, of which the Magistrate take, cognizance, is made, and

(ii) in the case of civil proceedings, on the date on which client is presented in the court.

NOTE.-(1) As soon as proceeding of the nature referred to in the above rule are instituted, the authority which institutes such proceedings should without delay, intimate the fact to the Accountant-General concerned.

NOTE.-(2) If an officer against, whom an enquiry is held is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g., dependants, or pecuniary resources or property disproportionate to his known sources of income, a charge of corruption should be presumed to have been proved against him and the case will come within the purview of this rule. The position is that the term "grave misconduct" used in this rule is wide enough to include corrupt practices. In cases where the charge of corruption is proved only after pension has been sanctioned, and it is not therefore possible to invoke the provisions of rule 6, action to withhold or withdraw pension may be taken under this rule. In this connection ³[the provision of rule 9 (2) is] to be noted carefully. In accordance with these provisions the property or pecuniary resources in respect of

¹ Rule 9 (4) the expression "or any enquiry is being conducted by the Director of Vigilance and Anti Corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 02-05-1988 with effect from 1st October 1999.

² Rule 6(a) added and clauses (a) & (b) renumbered as (b) and (c) - G.O.Ms.No.174, Finance (Pension) Department, dated 16-02-1990 with effect from 1st January 1979.

³ Rule 9(6)(c)(ii) Note (2) for the expression "the provisions of rules 9(2) and 9(3) are", the expression "the provisions of rules 9(2) is" substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.

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which the ¹[departmental proceedings] are instituted under rule 9 should have been acquired by the person concerned or any other person on his behalf any time within the period of four years before the institution of such proceedings if not instituted while the officer was on duty either before retirement or during re-employment.

10. Commercial and private employment after retirement.- (1) If a pensioner to whom this rule applies wishes to accept any employment, whether commercial or private, before the expiry of two years from the date of his retirement or any employment under a Government outside India at any time, he should obtain the previous sanction of the Government to such acceptance.

(2) Subject to provisions of sub-rule (3), the Government may, by order in writing on an application made by a pensioner grant, subject to such conditions, if any, as it may deem necessary permission, or refuse permission for reasons to be recorded in the order, to such pensioner to take up the commercial/private employment specified in the application.

(3) If any pensioner takes up any commercial/private employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial/private employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he and also be entitled to the whole or such part of the pension and for such period as may be specified in the order.

(4) The rules shall to all pensioners who immediately before retirement were ²[gazetted] self drawing officers under the rule-making control of the Government or were on leave preparatory to retirement and would have held ²[gazetted] self drawing posts but for proceeding on such leave.

(5) For the purposes of this rule employment under a Government outside India shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

NOTE (1).- No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pensions.

NOTE (2).- In the case of a pensioner who is re-employed under the Government the period of two years shall be reckoned from date of termination of his re-employment.

NOTE (3).- In this rule "commercial employment" means a employment in any capacity, including that of an agent, under a company, co-operative society, 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 and also include employment under a body corporate owned or controlled by Government.

¹ Rule 9(6)(c)(ii) Note (2) for the expression "the departmental or judicial proceedings", the expression "the departmental proceedings" substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.

² Rule 10(4) for the word "gazetted" occurring in two places, the words "self drawing" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

Explanation I.-Employment under 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.

Explanation II.- 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 matter in respect of which a retired Government servant.

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

(ii) has professional qualification 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 contract with the offices or officers of the Government.

CHAPTER - III

QUALIFYING SERVICE

11. Commencement of qualifying services. – (1) Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. In the case of a Government servant retiring on or after the first October 1969, ¹*** temporary or officiating service in the pensionable post whether rendered in a regular capacity or not shall count in full as qualifying services even if it is not followed by confirmation.

NOTE.- In the case of the employees of the former Pudukkottai State and persons transferred from the former Travancore-Cochin State consequent on the reorganisation of States, temporary or officiating service rendered in a regular capacity under the former Pudukkottai State or the former Travancore-Cochin State shall count in full for purposes of pension.

Provided that –

(a) in the case of a Government servant, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity;

(b) in the case of a Government servant whose year and month of birth are known, but not the exact date the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date 1st July of the year shall be taken.

(c) in the case of a Government servant with no military service who gives on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the given age and then the date of birth should be taken as the 1st July of that year:

Provided further that in the case of a Government servant with previous military service the date of birth is fixed as laid down below -

When a military employee is transferred to a civil department under the Government and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation.

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation e.g., if ex-soldier was enrolled on 1st January 1910 and if on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 27th June 1938.

Notwithstanding anything contained above, in cases where S.S.L.C or any other school certificate is available, the date of birth, as entered therein should be taken into account.

¹ Rule 11, the word "continuous" omitted – G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995.

¹[*Explanation:-* For the purpose of date of birth, the word "attestation" refers only to the initial records kept by the Defence Department at the time of appointment of the individual and not in the discharge from the discharge the Defence Department.]

²[(2) Half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service subject to the following conditions:-

- (i) Service paid from contingencies shall be in a job involving whole time employment and not part-time for a portion of the day.
- (ii) Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar.
- (iii) Service shall be for which the payment is made out on monthly or daily rates computed and paid on a monthly basis and which, though not analogous to the regular scale of pay, shall bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments.
- (iv) Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break.
- (v) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies shall be limited to the period after the 1st January 1961 for which authentic records of service may be available.
- (vi) Pension or revised pension admissible as the case shall be paid from the 23rd June, 1988.]

³[(3) Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions:-

- (i) Service under non-pensionable establishment shall be in a job involving whole time employment.
- (ii) Service under non-pensionable establishment shall be on time scale of pay and
- (iii) Service under non-pensionable establishment shall be continuous and followed by absorption in pensionable establishment without a break.

Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.]

¹ Explanation to Rule 11 added - G.O.Ms.No.736, Finance (Pension) Department, dated 30-8-1994 with effect from 1st January 1979.

² Rule 11(2) added and Rule 11 renumbered as 11 (1) - G.O.Ms.No.283, Finance (Pension) Department, dated 15-4-1996.

³ Rule 11(3) and Proviso added - G.O.Ms.No.679, Finance (Pension) Department, dated 26-11-1998 with effect from 14th February 1996.

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¹[(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

- (i) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;
- (ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;
- (iii) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break.

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.]

12. Conditions subject to which service qualifies :- (1) The service of a Government servant shall not qualify for pension unless his duties and pay are regulated by the Government or under conditions determined by the Government.

(2) For the purposes of sub-rule (1) the expression "service" means service under the Government and paid by the Government from the Consolidated Fund of the State, or a local fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(3) Temporary Central Government servants on deputation to the State, on getting absorbed under this Government will be allowed to count the period of continuous temporary service under the Central Government immediately preceding the service under this Government for purpose of pensionary benefits admissible under the rules of this Government. The pensionary liability will be shared between the Central and this Government on the basis of length of qualifying service rendered under each of them. This benefit will not be allowed to those who secure jobs under this Government on their own volition in response to advertisements or circulars including those by the Tamil Nadu Public Service Commission.

¹ Rule 11(e) and Proviso added - G.O.Ms.No.41, Finance (Pension) Department, dated 09-02-2010.

¹[(4) (a) Temporary Central Government Servant who has been appointed under the State Government Service shall be allowed to count their qualifying service rendered under the Central Government Service for the grant of pension by the Government from where he eventually retires in the following two categories, namely:-

- (i) Person who having been retrenched from the service of the Central Government, secures employment under the State Government either with or without interruption of service from the date of retrenchment; and
- (ii) Person who while holding temporary post under the Central Government applies for the post under the State Government, through proper channel or with proper permission of the administrative authority concerned.

(b) The pensionary liability will be shared between the Central and State Government on the basis of length of qualifying service rendered under the respective Government.]

²[Provided that when a Government Servant retires on or after the 1st April, 1987, the liability for pension including gratuity will be borne in full by the Central Government or the State Government under which the Government Servant is permanently absorbed at the time of retirement.]

³[(5) (a) Temporary Local Body employee or State Government servant who has been appointed under the State Government service or under any Local Body, as the case may be, shall be allowed to count his qualifying service rendered under the respective Local Body or the State Government service, as the case may be, for the grant of pension by the State Government or Local Body from where he eventually retires in respect of the following two categories, namely:-

(i) Person who having been retrenched from the service of the Local Body or State Government, secures employment under the State Government or Local Body, as the case may be, either with or without interruption of service from the date of retrenchment; and

(ii) Person who, while holding temporary post under the State Government or Local Body applies for a post under any Local Body or State Government, as the case may be, through proper channel or with proper permission of the administrative authority concerned.

(b) The pensionary liability shall be shared between the respective Local Body and the Government, as the case may be, on the basis of length of qualifying service rendered under each of them.

Provided that when a person retires on or after the 1st April 1987, the liability for pension including gratuity shall be borne in full by the respective Local Body or

¹ Rule 12(4) added - G.O.Ms.No.38, Finance (Pension) Department, dated 13-01-1995 with effect from 22nd July 1982.

² Proviso to Rule 12(4) added - G.O.Ms.No.39, Finance (Pension) Department, dated 13-01-1995 with effect from 1st April 1987.

³ Rule 12(5) and Proviso added - G.O.Ms.No.558, Finance (Pension) Department, dated 10-07-1995 with effect from 22nd July 1982

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the State Government, as the case may be, under which such person has been permanently absorbed at the time of retirement.]

13. Counting of service as apprentice.—Service as an apprentice does not qualify for pension.

14. Counting of service on contract. (1) Any person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either –

- (a) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service; or
- (b) to agree to refund to the Government the monetary benefits referred to in clause (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

(2) The option under sub-rule (1) shall be communicated to the Head of Office under intimation to the Audit Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government servant is on leave on that day, within three months of his return from leave, whichever is later.

(3) If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government servant shall be deemed to have opted for the retention of the monetary benefits payable or paid to him on account of service rendered on contract.

15. Counting of pre-retirement civil service in the case of re-employed Government servants. (1) A Government servant who, having retired on compensation, pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these rules apply may exercise option either –

(a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service ; or

¹[(b) to cease to draw his pension and refund –

- (i) the pension already drawn, and
- (ii) the value received for the commutation of part of pension, and
- (iii) the amount of death-cum-retirement gratuity including service gratuity, if any and count the previous service as qualifying service:

¹ Rule 15(1)(b) substituted and Proviso with Explanation added - G.O.Ms.No.246, Finance (BG-III) Department, dated 19-4-1982.

Provided that –

- (i) the pension drawn prior to the date of re-employment shall not be required to be refunded ;
- (ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;
- (iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation:- In this clause, the expression 'which was taken into account' means the amount of pension including the pension equivalent of gratuity by which pay of the Government Servant was reduced on initial re-employment and the expression 'which was not taken into account' shall be construed accordingly.]

¹[(2) (a) The authority issuing the order of substantive appointment to a service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b).]

(b) If no option is exercised within the period referred to in clause (a), the Government servant shall be deemed to have opted for clause (a) of sub-rule (1)

(3) in the case of a Government servant who opts for clause (a) of sub-rule (1) the pension or gratuity admissible for his subsequent service is subject to the limitation, that service gratuity or the capital value of the pension and death-cum-retirement gratuity, if any, shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

NOTE:—The capital value of pension shall be calculated in accordance with the Table prescribed under the Civil Pensions (Commutation) Rules applicable at the time of the second or final retirement.

(4) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the gratuity received in respect of his earlier service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.

(b) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

¹ Rule 15(2)(a) substituted - G.O.Ms.No.275, Finance (BG-III) Department, dated 20-4-1981.

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(5) In the case of a Government servant, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefunded gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.

16. Counting of military service rendered before civil employment – (1) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered military service after attaining the age of eighteen years, may opt either –

(a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or

(b) to cease to draw his pension and refund –

- (i) the pension already drawn, and
- (ii) the value received for the commutation of a part of military pension, and
- (iii) the amount of death-cum-retirement gratuity including service gratuity, ¹[if any along with interest at the rate of six per cent from the date of rejoining by such Government Servant in the Civil Service or post], and count previous military service as qualifying service, in which case the service as allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere, which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government :

Provided that –

- (i) the pension drawn prior to the date of re-employment shall not be required to be refunded;
- (ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;
- (iii) the element of pension equivalent of gratuity including the element of commuted pay of pension if any, which was taken into account for fixation of pay shall be set off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation – In this clause, the expression 'which was taken into account' means the amount of pension including pension equivalent of gratuity by which the pay of the Government servant was reduced on initial re-employment and the expression "which was not taken into account shall be construed accordingly."

¹ Rule 16(1)(b)(iii) for the expression "if any" substituted -G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 13th February 1995.

[(2) (a) The authority issuing the order of substantive appointment to a civil service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave whichever is later and also bring to his notice the provisions of clause (b).] *(till 12th February 1995)*

¹[(2) (a) A Government servant who is re-employed in a civil service or post, as referred to in sub-rule (1), shall be allowed to exercise the option under that sub-rule within a period of one year from the date of joining of such Government servant in the civil service or post.

Provided that a re-employed military personnel in the civil service or post prior to the 13th February 1995 shall also be allowed to exercise option under sub-rule (1) within a period of six months from the date of the 13th February 1995 for counting his military service as qualifying service along with civil service or post subject to the provisions of clause (a) of sub-rule (3).]

(b) if no option is exercised within the period referred to in clause (a), the Government servant shall be deemed to have opted for clause (a) of sub-rule (1).

[(3) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the amount of pension or gratuity received in respect of his earlier military service in monthly instalments not exceeding thirty six in number, the first instalment beginning from the month following the month in which he exercised the option.] *(till 12th February 1995)*

²[(3) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the amount of pension or gratuity, if any, received in respect of his earlier military service along with interest at the rate of six per cent from the date of rejoining by such Government servant in the civil service or post in monthly instalments not exceeding thirty six in number, the first instalment beginning from the month following the month in which he exercised the option.]

(b) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(4) In the case of Government servant who, having elected to refund the pension or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.

(5) When an order is passed under this rule allowing previous military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condemnation of interruption in service, if any, in the military service and between the military and civil service.

(1) In future the previous military service of ex-soldiers employed in the Civil Department should be verified by reference to the Defence Accounts Department as the responsibility for the verification of such service devolves on that department

¹ Rule 16(2)(a) substituted and Proviso added - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995/1995 with effect from 13th February 1995.

² Rule 16(3)(a) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 13th February 1995.

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instead of either from the information contained in the discharge certificates of ex-soldiers or by reference to the officer-in-charge of the Regimental records of the Regimental district concerned.

(2) Head of Departments and other officers responsible for the record of service of ex-military men subsequently absorbed in civil employments under them should evolve that pay particulars of such men are obtained from the Audit Officers of the Defence Department concerned. i.e., Controller of Defence Accounts, or Field Controller of Defence Accounts as and when they are entertained in civil employment. On no account should references to the military authorities be postponed till the individuals retire from the civil employment, since the records connected with such matters will be preserved only for a period of 12 years and no reply can be furnished by them for want of pay particulars.

17. Counting of war service rendered before civil employment.- A Government Servant, who prior to his appointment in a Civil service or post against war reserve or other permanent vacancy which arose for direct recruitment before the 1st January 1948, had rendered satisfactory paid whole-time, enlisted or commissioned war service in the Armed Forces of India or in similar forces of a Commonwealth Country during the period from the 3rd September 1939 to the 1st April 1946, which did not earn a service pension under the military rules, shall be allowed to count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, as qualifying service, subject to the following conditions, namely:-

- (i) Completed years of the said war service shall be allowed to count up to maximum of five years.
- (ii) In the case of services/post in which a minimum age is fixed for recruitment no war service rendered below that age shall be allowed to count for pension, and in the case of services/posts in which no minimum age is fixed, no portion of war service, rendered before attaining the age of eighteen years shall be allowed to count for pension.
- (iii) "War service" rendered in the Armed Forces of India and rendered in similar forces of Commonwealth Country shall be allowed to count alike for pension; no contribution towards or share of a pension earned as a result of this concession being claimed from the foreign Government concerned; and
- (iv) No refund of bonus or gratuity paid to the employees in respect of such war service shall be demanded from the employees.

NOTE 1: - The provisions contained in clause (1) shall not apply to 'war service' followed by civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after the 1st July 1960.

NOTE 2:- The condition of completed years of 'war service' laid down in clause (1) Shall not apply in the case of persons who had retired or died or may retire or die on or after the 1st July 1960, and had a break between their "war service" and civil service. In such cases, the "war service" including the fraction of a year (up to and inclusive of five years service) shall be added to the subsequent civil service. The resultant fractions of a year equal to six months and above shall be, treated as a

completed six monthly period, fraction of a six monthly period, if any being omitted.

NOTE 3:- The service rendered by persons during World War II in the Civil Defence Department shall also be treated as "war service".

NOTE 4:-(i) Where the benefit of added years of service under rule 27 is admissible, war / military service rendered after the completion of thirty years of age will be counted towards civil pension.

(ii) For the purpose of rule 27 the length of service should not include the war / military service counted under this rule.

NOTE 5.- The terms 'war reserved' or 'other' vacancies referred to in this rule should be deemed to refer to vacancies arising in the permanent cadre.

NOTE 6.- In respect of cases falling within the scope of this rule the Heads of Departments should record the periods of military service claimed by ¹[non-self drawing Government servants] under their control in their service books after verifying the period of military service by reference to the Controller of Defence Accounts concerned and after they are accepted by the Accountant-General. Military Services of ¹[Self drawing Government servants] should after verification by the Controller of Defence Accounts be submitted to Government through the Accountant-General for approval.

The service rendered in the Civil Defence Department should be got verified with reference to the entries in the service books of the individuals concerned and the discharge certificate produced by them.

NOTE 7:- In respect of 'war service' candidates appointed permanently to civil posts against vacancies arising after the 31st December 1947, 'war service' rendered during the last war by itself or in conjunction with other military services shall be allowed to count towards civil pension. The concession will also be subject to the following conditions:-

- (i) The officer concerned should not have earned a pension under the military rules in respect of the services in question ;
- (ii) In the case of services or posts in respect of which minimum age is fixed for recruitment, no military or war services rendered below that age shall be allowed to count for pension;
- (iii) 'War services' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth Country shall be allowed to count alike for pension and no contribution towards or share of a pension earned as a result of the concession shall be claimed from the foreign Government concerned;
- (iv) No refund of bonus or gratuity paid in respect of his, 'war service' shall be demanded from the officer concerned. If, however, the officer has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable. Also, if any portion of the services is allowed to count towards civil pension under rule

¹ Rule 17 in Note 6, for the words "non-gazetted officers" and "Gazetted officers", the words "non-self drawing Government servants" and "self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

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16 of the rules the provision in Note 13 below in regard to refund of gratuity shall *mutatis mutandis* apply ; and

- ¹[(v) The approved military / war service shall be counted as qualifying service along with civil service without any condonation of the break irrespective of the duration of break between the two period of service. The break of interruption itself shall under no circumstances be reckoned as qualifying service for pension.

Provided that the arrears for the eligible pensioners under this condition shall be payable with effect from the 10th October, 1990.]

In the case of a person who has break in his military/war service, the period of break for this purpose shall be calculated from the date of discharge from the military / war service in the last spell and the previous spell / spells shall also be counted for civil person subject to the fulfillment of the other conditions for counting war / military service,

Explanation 1:- The benefits of the concession in this note are also applicable to persons who were initially recruited against temporary vacancies which arose prior to 1st January 1948 but made permanent subsequently provided all other conditions relating to counting of war service towards civil pension are satisfied in their cases.

Explanation 2:- In a case where the disability pension includes service element, this element shall be surrendered, before the war/military service is allowed to count towards civil pension.

In a case where a Government servant gets disability pension after he becomes eligible for ordinary pension also and that element or ordinary pension is included in the disability pension, he is not eligible to count war/military service towards civil pension in terms of this note.

NOTE 8.- In a case where an officer is entitled in respect of the 'war service' rendered between the 3rd September 1939 and the 1st April 1946 to the concession under rule 17, he may either avail himself of the concession under Note (3) above in respect of the whole of his military service including 'war service' or count the service rendered during the war period for civil pension under this rule as the case may be, and the remaining service rendered before or after the war period to the extent of one half of the service. If however in the later case, the officer concerned has rendered any military service permissible under the military rules and satisfying the conditions laid down in Rule 16 before or after the war period, but did not earn a pension by his 'war service' in conjunction with his military service, in provisions in Note 13 below shall *mutatis mutandis* apply.

NOTE 9:- A Civil employee to whom the provisions of this rule apply, who enlisted for service during World War II and who left the Army on demobilisation at the end of that war, is entitled subject to the conditions in the rule to count such military service for Civil pension

¹ Rule 17, Note-7, Item (v) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 1st January 1979.

irrespective of whether it was pensionable or not under the Military Rules. Such title is, of course subject to the proviso that a military pension has not as a matter of fact been earned in respect of it in conjunction with other military service rendered before or after the War.

NOTE 10:- In respect of the 'war service' candidates who retired or died or may retire or die on or after 1st July 1960 continuous war/military service shall count in full towards Civil Pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in Civil Service. This concession will be subject to the following conditions:-

- (i) The Officer concerned should not have earned a pension under the military rule in respect of the service in question;
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age shall be allowed to count for pension;
- (iii) 'War Service' rendered in the Armed Forces of India and rendered in similar Force of Commonwealth Country shall be allowed to count alike for pension and no contribution towards, or share of, a pension earned as result of this concession shall be claimed from the foreign Government concerned; and
- (iv) No refund of bonus or gratuity paid in respect of his 'war service' shall be demanded from the officer concerned. If, however, the Officer has been granted any retirement gratuity for service covering both the war and post war period, such gratuity shall be refundable.

The provisions in this Rule and that in Notes 7 and 8 of this Rules shall continue to apply in the case of Tamil Nadu Government servants who retired or died before 1st July 1960 and also in the case of those who retired or died or may retire or die on or after that date if there was a break between war/military service and civil service.

The service rendered by persons during World War II in the Civil Defence Department and in the Civil Pioneer Force Civil Labour Unit shall also be treated as 'war service' for the purpose of this Note.

Explanation 1:- The service in the Civil Defence Department shall mean only the service rendered in the Civil Defence Department (including A.R.P. Service) of the Composite Madras State Government, i.e., areas which constituted Madras State as on 30th September 1953. The provisions in this Rule and that in this Note shall not apply to the service rendered in the Civil Defence Department (including A.R.P. Service) of the Central and other State Governments.

Explanation 2:- The whole time service of any of the kinds specified below shall be recognised as war service :-

- (a) Service in any kind in a unit or formation for service overseas or in any operational areas;

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- (b) Service in India under military, munitions or store authorities with a liability to serve overseas or in any operational area;
- (c) All other service involving subjects to naval, military or air force law;
- (d) A period of training with a military unit or formation involving liability to serve overseas or in any operational areas;
- (e) Service in any civil defence organisation specified in this behalf by the Central or the State Government; and
- (f) (i) Any service connected with the prosecution of the war which a person is required to undertake by a competent authority under the provisions of any law for the time being in force; and
- (ii) Such other service as may here after be declared as war service for the purpose of this definition.

The benefit of counting war service other than that in Civil Defence Organisation as defined above will apply only to those who retire or die on or after 4th March 1966. The benefit of counting of service in Civil Defence Organisation will apply to all persons who had already retired and who are still in service.

NOTE 11:- Continuous military (non-regular / purely temporary) service not rendered in conjunction with war service in the Army, Navy and Air Force will count in full towards Civil pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in civil service. The grant of this concession is subject to the following condition:-

- (i) The officer concerned should not have earned a pension under the military rules in respect of the service in question.
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military service rendered, below that age shall be allowed to count for pension.

If the Officer has been granted any retirement gratuity in respect of such service, such gratuity shall be refundable.

Explanation.- Interruption between the military (non-regular or purely temporary) service and Civil Service shall be condoned under special orders of Government. In such cases the liability in respect of military service shall be borne by the defence authorities and the Government servant shall be required to refund the service gratuity, if, any received by him in respect of the military service rendered by him, before he is allowed to count that service towards civil pension.

NOTE 12:- The gratuity refundable under this rule should be credited to the authorities who will bear the pensionary liability for the period of service allowed to be counted towards pension. As the pensionary liability or war service devolves on Tamil Nadu Government and that for the military service (other than war Service) on the Defence authorities the retirement gratuity in respect of service covering war period shall be refunded and credited to the Tamil Nadu Government and the retirement gratuity in respect of military services (other than

service covering war period) shall be refunded and credited to Defence authorities.

- NOTE 13:- (i) In the case of a civil employee who had rendered satisfactory paid military service during the war period in addition to military service pensionable under the military rules before or after war service but who did earn a pension by his war service in conjunction with his other military service, that portion of the military service which was rendered before or after the war service should be dealt with in accordance with the provisions of rule 16. The war service portion (i.e. the period of service rendered between 3rd September 1939 and 1st April 1946) should, however, be dealt with under Rule 16 or 17 whichever may be more advantageous to the officer concerned. So far as the period from 3rd September 1939 to 1st April 1946 is concerned, the officer should be allowed, an option between the application of the one or other rule, subject to the limitation prescribed in the respective rules. If the war service is counted under rule 16, the whole of it will count, but if under Rule 17 only completed six monthly periods of service up to a maximum of 5 years; and in the later case the residue of war service cannot then be counted under Rule 16. The option should be based on the assumption that Government would give the maximum benefit permissible under Rule 16.
- (ii) If the entire military service including war service is dealt with under Rule 16, the whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) should be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Rule 17 and the rest of the military service before or after war under rule 16 the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Rule 16 bear to the total period of military service including the period of war service.
- (iii) For the purposes of the above instructions, it is immaterial whether or not there was a break between the war service and the other military service.

18. Counting of periods spent on leave.- All leave during service for which leave salary is payable and extraordinary leave granted on medical certificate shall count as qualifying service:

Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant -

- (i) due to his inability to join or rejoin duty on account of Civil Commotion: or

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- (ii) for prosecuting higher scientific and ¹[technical studies; or]
- ²[(iii) for taking up employment abroad, if necessary pension contributions are paid by the Government servant to the Accountant General, Tamil Nadu from time to time with appropriate interest for belated payments, if any.]

19. Counting of period spent on training.- The Government may by order, decide whether the time spent by a Government servant under training immediately before appointment to service under the Government shall count as qualifying service.

NOTES :- For the purpose of this Rule-

- (1) The various kinds of training referred to in Annexure I to Fundamental Rules and subsidiary Rules which have been ordered to be treated as on duty.
- (2) Any State Forest Service Probationers who have not been appointed permanently to Government Service before attaining the age of 23 will count as service towards pension any period of training or probationary service undergone after he attained that age.
- (3) Training of all kinds in the case of subordinate officers of Police Department shall count as service.

20. Counting of periods of suspension.- Time passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified. In other cases, the period of suspension does not count unless that authority competent to pass orders under Fundamental Rule 54 expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare. ³[However, in the case of a Government servant who dies while under suspension before the enquiry is over, the period of suspension shall be treated as duty].

21. Forfeiture of service on dismissal or removal.- Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

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

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement, and the period of suspension if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

¹ Proviso (ii) to Rule 18 for the expression "technical studies", the expression "technical studies; or" substituted - G.O.Ms.No.556, Finance (Pension) Department, dated 06-12-2000.

² Proviso (iii) to Rule 18 added - G.O.Ms.No.556, Finance (Pension) Department, dated 06-12-2000.

³ Last sentence to Rule 20 substituted - G.O.Ms.No.65, Finance (BG.II) Department, dated 08-02-1982.

23. Forfeiture of service on resignation. - (1) Resignation from a service or post entails forfeiture of past service:

Provided that a resignation shall not entail forfeiture of past service if it has been submitted to take up with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(2) Interruption in service in a case falling under the proviso to sub-rule (1) due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to the Government servant.

¹**[24. Effect on interruption in service:-** (1) The interruption in service shall not entail forfeiture of past service except when a person was removed and re-employed. The actual interruptions in service shall not, however, count for pension.

(2) The services rendered in temporary or permanent department or in substantive office shall also count for pension even if any interruptions exist.]

²**[25. Condonation of interruption in service:-** (1) In the absence of a specific indication to the contrary in the Service Book, an interruption between two spells of Civil Service rendered by a Government servant shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(2) Nothing in sub-rule (1) shall apply to interruption caused by resignation, (or) removal from service or for participation in a strike.

(3) The period of interruption referred to in sub-rule (1) shall not count as qualifying service.]

26. In the case of a Government servant who retired or may retire from service on or after the 1st July, 1960 a deficiency in qualifying service shall not be condoned.

27. Addition to qualifying service in special circumstances:- (1) Any person appointed to a service or post and who retires from service on or after the 1st July 1960 may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds thirty years or a period of five years, whichever is less, if the service or post is one-

- (a) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields is prescribed not merely as desirable but as obligatory qualification; and
- (b) for which the age of recruitment prescribed in the service rules applicable to the service or post concerned is above thirty years.

¹ Rule 24 substituted - G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995 with effect from 1st January 1979.

² Rule 25 substituted - G.O.Ms.No.530, Finance (Pension) Department, dated 04-06-1994.

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¹[Provided that the age limit prescribed in sub-rule (1) above viz. thirty years shall be lowered to twenty seven years in so far as Judicial Officers who are directly recruited as Magistrates, District Munsifs and District Judges.]

Any person appointed to a post specified in column (2) of the Table below may add to his service qualifying for superannuation pension (but not for any other class of pension) a period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds thirty years or the period specified against that post in column (3) of the said Table, whichever is less:

Provided that this concession shall not be admissible to any such person, if –

- (i) his actual qualifying service at the time he quits Government service is less than ten years, or
- (ii) he has not acquired the requisite qualification prescribed for recruitment to the service or post but is appointed to the service or post in relaxation of rules:

Provided further that any such person who is recruited at the age of thirty five years or more may within a period of three months from the date of his appointment, elects to forego his rights to pension whereupon he shall be eligible to subscribe to the Contributory Provident Fund, Tamil Nadu.

²[Provided further that the age limit prescribed in sub rule (1), namely, thirty years shall be lowered to twenty nine years in so far as directly recruited prosecuting officers are concerned.]

³[(2) Any person appointed to a service or post on or before 31st December 1951 or after 31st December 1951, the case may be, availing himself of relaxation of age concession as one who participated in the National Movement, may add to his service qualifying or superannuation pension but not to any other class of pension the added years of service as under, namely:-

- (i) In respect of appointment made on or before 31st December 1951:

The actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.

- (ii) In respect of appointment made after 31st December 1951:

The actual period by which his age at the time of recruitment of his service or the actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.

Explanation:- The provisions in clauses (a) and (b) of sub-rule (1) above shall not apply to those governed by this sub rule.]

¹ *Proviso to Rule 27(1)-Para(i) added - G.O.Ms.No1006, Finance (Pension) Department, dated 15-12-1994 with effect from 30th March 1983.*

² *Third proviso to Rule 27(1) added - G.O.Ms.No190, Finance (Pension) Department, dated 20-4-2004 with effect from 17th August 1999.*

³ *Rule 27(2) added and Rule 27 renumbered as 27(1) - G.O.Ms.No.472, Finance (BG-III) Department, dated 08-07-1981.*

THE TABLE

[See Rule 27 (1)]

Serial No.	Name of Post	Maximum number of years that may be added to service qualifying for superannuation pension
(1)	(2)	(3)
1.	(a) District Munsifs	
	(b) Assistant Public Prosecutors, Grade I and Grade II	
	(c) Assistant State Prosecutors.	
	(d) Registrar, High Court, Chennai.	
	(e) Master, High Court, Chennai.	
	(f) Deputy Registrar, High Court, Chennai.	
	(g) Official Referee, High Court, Chennai.	5
	(h) First Assistant Registrar (Original Side), High Court, Chennai.	
	(i) Assistant Registrar, (Appellate Side), High Court, Chennai.	
	(j) Second Assistant Registrar, (Original Side), High Court, Chennai.	
	(k) Sub-Magistrate	
	(l) Official Assignee, High Court, Chennai.	
	(m) Deputy Official Assignee, High Court, Chennai.	
2.	Health Officers	5
3.	Civil Assistant Surgeons	2
4.	(a) Director of Legal Studies	5
	(b) Professors, Law College	5
	(c) Lecturers, Law College (only in case of Direct recruitment)	5
5.	Directly recruited Chief Professors, Presidency College, Chennai.-600 005	5
6.	Prosecutive Officer *	5
7.	¹ [Port Officer]	5

NOTE 1. The concession of added years of service qualifying for superannuation pension is admissible to Sub-Magistrates and Additional First Class Magistrate appointed in relaxation of age rule.

NOTE 2. Subject to other conditions of this Rule, an officer may add to his service qualifying for superannuation pension the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of retirement exceed 30 years or a period of 5 years whichever is less.

28. Period of deputation to United Nations and other Organisations.- A Government servant deputed on foreign service, for a period of ²[five years] or more to the 'United Nations Secretariat or other United Nation's Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat may at his option.--

¹ Rule 27(1) Entry 7 "Port Officer" to the Table added - G.O.Ms.No.276, Finance (Pension) Department, dated 20-03-1990 with effect from 6th December 1988.

² Rule 28 for the words "one year", the word "five years" substituted - G.O.Ms.No.1116, Finance (BG.III) Department, dated 12-12-1980.

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- (a) Pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or
- (b) avail of the retirement benefits admissible under the rules of the aforesaid organisations and not count such service as qualifying for pension under these rules:

Provided that where a Government servant opts for clause (b), retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Government may, by order, specify:

Provided further that pension contributions, if any, paid by the Government servant, shall be refunded to him.

29. Verification of qualifying service after 28 years of service or 53 years of age. - Where a Government servant completes ¹[twenty-eight years of service or fifty-three years of age], the Audit Officer concerned in the case of a ²[self drawing Government servant] or the Head of Office in consultation with the Audit Officer concerned in the case of a ³[non-self drawing Government servant] shall, in accordance with the rules for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him the period of qualifying service so determined:

Provided that any such verification shall be subject to final verification of qualifying service which shall be made at the time of retirement of the Government servant.

¹ Rule 29 for the words "twenty five years of service", the words "twenty eight years of service or 53 years of age" substituted - G.O.Ms.No.885, Finance (Pension) Department, dated 26-10-1994 with effect from 16th April 1982.

² Rule 29, for the words "gazetted Government servant" and "non-gazetted Government servant", the words "self drawing Government servant" and "non-self drawing Government servant" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

CHAPTER - IV

EMOLUMENTS AND AVERAGE EMOLUMENTS

30. Emoluments: - In these rules, unless the context otherwise requires –

(1) Emoluments means and include-

- (i) Pay, other than Special Pay or pay granted in view of his personal qualification, which has been sanctioned for a post held by him substantively or in an officiating capacity (including temporary capacity under emergency provisions) or to which he is entitled by reason of his position in a cadre:
- (ii) Special Pay, Dearness Pay and Personal Pay; and
- (iii) any other remuneration which may be specially classed as emoluments by the Government.

NOTE 1:- If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended and had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule:

Provided that an increase in pay (other than the increment referred to in Note 4.) which is not actually drawn shall not form part of his emoluments.

¹[Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.]

NOTE 2:- Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

NOTE 3:- If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this rule.

²[NOTE 4:- If a Government servant immediately before his retirement or death while in service was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments.]

¹Second proviso to Rule 30 added - G.O.Ms.No.705, Finance (Pension) Department, dated 15-11-1996.

²Note 4. to Rule 30 substituted - G.O.Ms.No.458, Finance (Pension) department, dated 03-07-1987.

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NOTE 5:- Pay drawn by a Government servant in a tenure appointment shall be treated as emoluments; provided that the service in tenure appointment does not qualify for the grant of additional pension.

NOTE 6:- The officiating pay drawn by a Government servant in a post under the Government of India including the Defence Department or another State Government shall not be taken into account in the calculation of average emoluments with reference to this rule.

NOTE 7:- Pay drawn by a Government servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

Explanation.— Additional allowance drawn under Fundamental Rule 49 (1) will not count for pension.

NOTE 8:- Where a pensioner is re-employed in a Government service elects in terms of clause (a) of sub-rule (1) of rule 15 or clause (a) of sub-rule (19) to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension the element of pension by which his pay is reduced shall be treated as emoluments.

¹[**Exception**— Pay and / or special pay drawn by persons appointed by the Government to posts under the Corporation of Madras, State Housing Board and other State Owned Corporation / Boards carrying higher scales of pay or special pay shall count for pension and death-cum-retirement gratuity, subject to the condition that the difference in the amount of pension and death-cum-retirement gratuity shall be the liability of the Corporation of Madras / State Housing Board and other State owned Corporations/Boards.

Their liability will be the capitalised value of the share of the Corporation of Madras, State Housing Board and other State Owned Corporations / Boards calculated on the basis of the table of Commutation values for pension increased by 10 per cent.]

31. Average Emoluments.— Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last 12 months of his service in the cases of retirement during the period from 26th February 1970 to 31st December 1973 and 10 months in the cases of retirement on or after 1st January 1974.

NOTE 1:- If during the last 12 months / 10 months of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments:

Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments.

¹ Exception below Note 8 substituted - G.O.Ms.No267, Finance (Pension) department, dated 01-04-1997 with effect from 01-01-1979

¹[Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.]

NOTE 2:- If, during the last 12 months / 10 months of his service, a Government servant had been absent from duty on extra-ordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the 12 months / 10 months period shall be included.

²[NOTE 3:- In the case of a Government Servant who was on earned leave during the last twelve / ten months of his service and earned an increment which was not withheld, such increment though not actually drawn shall be included in the average emoluments.]

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and eighty days or during the first one hundred and eighty days of earned leave where such leave was for more than one hundred and eighty days.

¹ Second Proviso Note 1 to Rule 31 added - G.O.Ms.No.705, Finance (Pension) Department, dated 15-11-1996.

² Note 3. to Rule 31 substituted - G.O.Ms.No.374, Finance (BG.III) Department, dated 30-05-1981.

CHAPTER V

CLASSES OF PENSIONS AND CONDITIONS GOVERNING
THEIR GRANT

32. Superannuation pension:- A Superannuation pension is granted to a Government servant entitled or compelled, by rule, to retire at a particular age.

Explanation .—For purposes of this rule,--

- (1) The date of compulsory retirement of a Government servant in superior service is the date on which he attains the age of ¹[58 years]. The date of compulsory retirement of a Government servant in Last Grade Service is the date on which he attains the age of 60 years.
- (2) The age of retirement of trained teachers in the educational institutions under the management of Government is the date on which he attains the age of 58 years.
- (3) The date of retirement in the case of persons who had taken part in the freedom struggle and courted imprisonment and who have been, appointed to the posts of social workers up to the end of December 1965, shall be the date on which they attain the age of 60 years.

NOTE:- A Government servant under suspension, on a charge of misconduct, shall not be required or permitted to retire but shall be retained in service until the enquiry into the charge is concluded and final order is passed by a competent authority.

33. Retiring pension:- A retiring pension shall be granted to a Government servant who retires, or is retired, in advance of the age of compulsory retirement, in accordance with the provisions of rule 42.

34. Pension on absorption in or under a corporation, company or body.- A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government / Central Government or in or under a body controlled or financed by the Government, Central Government shall if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected, and from such date as may be determined in accordance with the orders of the Governments applicable to him :

The *pro-rata* pension, gratuity, etc., admissible in respect of the service rendered under the Government ²[will be calculated at the time of transfer, but payable only on retirement of the Government servant from the State owned Corporations / Boards].

¹ Rule 32 Explanation (1) for the expression "55 years", the expression "58 years" substituted - G.O.Ms.No.718, Finance (Pension) Department, dated 24-08-1994 with effect from 25th April 1979.

² Rule 34 for the words "would be disbursable either from the earliest date from which the Government servant could have retired voluntarily under the rules applicable to him or from the date of absorption in the undertaking / corporation whichever is later" substituted - G.O.Ms.No.826, Finance (BG.III) Department, dated 29-07-1985

[Provided that the Government shall have no liability for the payment of family pension in such a case.] (till 20th March 1989)

¹[Provided that the Government shall have no liability for the payment of family pension in such a case except in the case of families of those Government employees who were or are on deputation to the State Public Sector Undertakings or Boards and who were or are permanently absorbed there, in the event of their death during their employment in the State Public Sector Undertaking or Board subject to fulfillment of the following conditions, namely:-

- i) The families of such deceased employees of the State Public Sector Undertaking or Board shall not receive any other family pension including Employees Family Pension and Life Insurance Scheme
- ii) If a pension scheme is under implementation in the State Public Sector Undertaking or Board, the Government will place the required funds at the disposal of the State Public Sector Undertaking or Board on a pro-rata basis to enable them to grant the family pension to the families of such deceased employees.
- iii) If there is no pension scheme in the State Public Sector Undertaking or Board, the Government will bear the liability for the payment of family pension to the families of such deceased employees of the State Public Sector Undertaking or Board only in respect of the services put in by the deceased employee under the Government.]

Provided further that no declaration regarding absorption in the public interest in a service or post in or under such corporation, company or body shall be required in respect of a Government servant whom the Government may by order, declare to be a scientific employees.

35. Payment of lump sum amount to persons on absorption in or under a corporation, company or body:- (1) Where a Government servant referred to in rule 34 elects the alternative of receiving the death-cum-retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the death-cum-retirement gratuity be granted on an application made in this behalf a lump sum amount not exceeding the commuted value of his pension as may be admissible to him in accordance with the provisions of the Civil Pension Commutation Tables obtaining on the date from which the *pro-rata* pension and gratuity, etc., would be disbursable.

(2) Notwithstanding anything contained in sub-rule (1), where any lump sum amount in addition to the death-cum-retirement gratuity had been paid at any time to any Government servant referred to in rule 34 who had elected the alternative of receiving the death-cum-retirement gratuity, and a lump sum amount in lieu of pension, such payment shall be deemed to have been made in accordance with this rule, if the requirements of this rule have been satisfied.

36. Invalid pension:- (1) A Government servant who is declared by the appropriate medical authority to be permanently incapacitated for further service in accordance with the instructions on the subject, may be granted invalid pension.

¹ First proviso substituted - G.O.Ms.No.298, Finance (Pension) Department, dated 31-7-2001 with effect from 21st March 1989

Explanation. – For the purpose of this rule –

(a) If the officer submitting the application for invalidation is in India, then the examining medical authority shall be –

(i) A Medical Board in the case of all ¹[self drawing Government servants] and those ¹[non-self drawing Government servants] whose pay as defined in rule 9 (21) of the Fundamental Rules exceeds ²[Rs.2500/-] and above.

(ii) (a) Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status in other cases.

(b) If the officer submitting the application is on leave elsewhere than in India, then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a consultant. A lady doctor shall be included as a member of the Medical Board wherever a women candidate is to be examined.

If any doubt arises regarding the validity of a certificate (as in Form 23) by the Medical Board arranged by the India Mission abroad, the Audit Officer must not of his own motion reject the certificate as invalid but must submit the matter for the decision of Government.

³[***]Government may delegate its power under this rule to Heads of Departments.

(c) Except in the case of the officer on leave elsewhere than in India, no medical certificate of incapacity for service may be granted unless the applicant produced a letter to show that the head of his office or department, is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the office or department in which the applicant is employed with a statement of what appears from official records to be applicant's age. Where the applicant has a service book, the age there recorded should be reported.

NOTE 1:- Honorary Surgeons and Physicians may issue certificates (as in Form 24) invaliding for further service to Government servants who are patients in their wards on receipt of a requisition from the heads of offices or departments to which the Government servant belong. Such invaliding certificates issued in Madras City should be countersigned

¹ Rule 36(1)(a)(i), for the words "gazetted Government servant" and "non-gazetted Government servant", the words "self drawing Government servants" and "non-self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 36(1)(a)(i) for the expression "Rs.750/-", the expression "Rs.2500/-" substituted - G.O.Ms.No.995, Finance (Pension) Department, dated 11-09-1990.

³ Rule 36(1)(a)(ii)(b) the word "NOTE" omitted - G.O.Ms.No.524, Finance (BG.III) Department, dated 30-07-1981.

by the Director of Medical Education. The countersignature of the Director of Medical Education in the invalid certificate of an officer serving in the mofussil is not necessary.

NOTE 2:- In cases where the disease from which an applicant is suffering is curable by an operation, but this, he refuses to undergo and is therefore invalidated. In these cases, no pension or gratuity is admissible. Each case of invalidation on account of a curable disease should be decided on merits. The Accountant General should forward such cases for the orders of Government.

NOTE 3:- Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.

NOTE 4:- An officer discharged on other grounds has no claims under this Rule even though he can produce medical evidence of incapacity for service.

NOTE 5:- The system of taking finger prints by Medical Officers on the medical certificates in the case of invalid pension and commutation of pension should remain in force.

NOTE 6:- An Officer who has submitted a medical certificate of incapacity for further service shall, if he is on duty be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the medical certificate, or if he is on leave, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any granted to him under S.R. 24 under Rule 74 (a) contained in Annexure II, Part I of the Fundamental Rules.

NOTE 7:- All ¹[non-self drawing Government servants] as to whose fitness for further service there may be doubt, should unless they happen to be absent in other districts, on long leave, be sent for examination before the District Medical Officer of the district in which they are serving, where a Government servant's jurisdiction falls within more than one Revenue district as may be departmentally convenient. If, in special cases, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If, in special cases, this procedure has necessarily to be departed from, the reasons therefore should be recorded in writing and communicated to the commissioned Medical Officer, who is asked to examine the applicant.

NOTE 8:- Invalidating medical certificates under this rule should be given by Medical Officer registered under Medical Registration Act 1914, and if any doubt arises in a particular case, it should be referred to the Director of Medical Education for decision or counter signature.

NOTE 9:- The Director, Central Leprosy, Teaching and Research Institute, Taramani is deemed to be a Civil Surgeon for the purpose of granting invalidating certificates to Government servants under his treatment for leprosy. The Medical certificate in these cases should also be countersigned by the Director of Medical Education.

¹ Rule 36(1)(c) in Note 7, for the words "non-gazetted Government servants", the words "non-self drawing Government servants" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

NOTE 10:- All cases in which it is certified that the incapacity for service is due to irregular or intemperate habits, should be submitted to Government for orders through the proper channel, together with the opinion of the Director of Medical Education.

NOTE 11:- In the case of ¹[non-self-drawing mofussil police officers] residing in Chennai during their period of leave, the certificate of unfitness for further service should be granted by the police Surgeon.

(2) Where the medical authority referred to in sub-rule (1) has declared Government servant fit for further service of less laborious character than that which he has been doing, he may, if possible, be employed on lower pay and if there be no means of employing him even on a lower pay he may be admitted to pension.

(3) (a) If the incapacity is directly due to the irregular or intemperate habits of a Government servant, no pension may be granted.

(b) If the incapacity has not been accelerated or aggravated by them, it should be for the pension sanctioning authority to decide what reduction should be made on this account.

37. Medical Opinion:- A sufficient statement of the medical case, and of the treatment adopted, should, if possible, be appended. If the examining Medical Officer, although unable to discover any specific disease in the Government servant considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and if possible, a second medical opinion should always in such a case be obtained. In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of Government servant whose recorded age is less than fifty-five years, but a Medical Officer is at liberty when certifying that the Government servant is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

38. Compensation pension:- (1) If a Government servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post, the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option -

- (a) of taking compensation pension to which he may be entitled for the service he had rendered, or
- (b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

NOTE:- (1) A reduction in the number of men paid for piece work and treated as having held a substantive office should be considered as an abolition of their appointments and the savings may, in such cases, be calculated on the average earnings of the last six months as laid down in rule 31.

¹ Rule 36(1)(c) in Note 11, for the words "non-gazetted mofussil police officers", the words "non-self drawing mofussil police officers" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997

- (2) An officer in foreign service should be held to have lost his lien from the date on which his post in Government service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.
 - (3) When an officer is transferred from pensionable Government service to a non-pensionable establishment he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the public service, that is from the non-pensionable establishment to which he belongs.
 - (4) If an officer is transferred to a non-qualifying appointment in the interest of the public service and under orders of competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.
- (2) (a) Notice of at least three months shall be given to a Government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.
- (b) Where notice of at least three months is not given and the Government servant has not been provided with other employment on the date on which his services are dispensed with the authority competent to dispense with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.
- (c) No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.
- (3) In case a Government servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances, he shall refund the pay and allowances so received for the period following his re-employment.
- (4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government, subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

39. Compulsory retirement pension.- (1) A Government servant compulsorily retired from service as a penalty may be granted by the authority competent to impose such penalty, pension or gratuity, or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

NOTE.- [****]¹

(2) Whenever in the case of a Government servant the Government passes an order (whether original, appellate or in exercise of power of review) awarding a

¹ Note to Rule 39(1) deleted - G.O.Ms.No.524, Finance (Pension) Department, dated 30-07-1981.

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pension less than the full compensation pension admissible under these rules, the Tamil Nadu Public Service Commission shall be consulted before such order is passed.

Explanation.—In this sub-rule, the expression “pension” includes gratuity.

(3) A pension granted or awarded under sub-rule (1) or as the case may be under sub-rule (2) shall not be less than the limit specified in sub-rule (5) of rule 43.

40. Compassionate allowance. (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on medical certificate.

¹[Provided further that no allowance shall be granted to an officer under the rule-making control of the Government of India, other than those who are governed by the All India Services (Death-cum-Retirement Benefits) Rules, 1958, without further sanction.

Provided also that no compassionate allowance shall be granted in cases of Government servants dismissed or removed from service under the second proviso (c) to clause (2) of Article 311 of the Constitution of India, for overt, anti-national activities such as sabotage, espionage and like.

(2) A compassionate allowance sanctioned under the proviso the sub-rule (1) shall not be less than the limit specified in sub-rule (5) of ²[rule 43].]

41. Unfitness for further advancement:- When a Government servant belonging to one of the following services, who is proved to be unfit for further advancement, is removed from service by the Government of India on the recommendation of the Government, he may, with the sanction of the Government of India, be granted a pension not usually exceeding and not necessarily so great as, that which would have been admissible to the Government servant if he had been invalided on medical certificate. In making their recommendation in such cases, the State Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the Government servant if he was invalided on medical certificate:-

- (a) The Indian Civil Service.
- (b) The Indian Police.

¹ Rule 40 - first and third proviso added and proviso to Rule 40 inserted as second proviso - G.O.Ms.No.191, Finance (Pension) department, dated 15-03-1995 with effect from 1st January 1979

² Rule 49(2) for the expression “rule 49”, the expression “rule 43” substituted - G.O.Ms.No.191, Finance (Pension) department, dated 15-03-1995 with effect from 1st January 1979

CHAPTER - VI

REGULATION OF AMOUNTS OF PENSION

42. Regulation of Amounts of Pension:- (1) A Government servant, who, under Fundamental Rule 56 (d), retires voluntarily or is required by the appointing authority to retire in the public interest shall be entitled to a retiring pension.

¹[(2) (a) A Government servant including a Government servant in the Tamil Nadu Basic Service retiring voluntarily after 20 years service or 50 years of age under sub-rule (3) of rule 56 of the Fundamental Rules shall be entitled to a retiring pension which shall be calculated after giving weightage upto 5 years in addition to the qualifying service rendered by him subject to the condition that the total qualifying service rendered by such Government servant, including the weightage does not, in any case, exceed thirty years of qualifying service and it does not take him beyond the date of superannuation, as the case may be. The weightage shall be calculated in accordance with Fundamental Rules 56 (3) (d) (i) as specified in the Table below:-

THE TABLE

Weightage with reference to Qualifying Service		Weightage with reference to Age	
(1)		(2)	
Qualifying Service	Weightage	Age	Weightage
For all Government Servants		For all Government Servants other than Government Servants in the Tamil Nadu Basic Service	
25 years and below	5 years of weightage	53 years and below	5 years of weightage
26 years	4 years of weightage	54 years	4 years of weightage
27 years	3 years of weightage	55 years	3 years of weightage
28 years	2 years of weightage	56 years	2 years of weightage
29 years	1 year of weightage	57 years	1 year of weightage
		For Government Servants in the Tamil Nadu Basic Service	
		55 years and below	5 years of weightage
		56 years	4 years of weightage
		57 years	3 years of weightage
		58 years	2 years of weightage
		59 years	1 year of weightage

(b) The weightage given shall be in addition to the qualifying service, the purpose of pension and gratuity only and it shall not entitle a Government servant retiring voluntarily to any notional fixation of pay for purpose of calculating pension and gratuity. The pension shall be determined based on the 50% of the average emoluments drawn during the last ten months of service rendered or 50% of pay last drawn plus dearness pay, if any, admissible from time to time, by the Government servant, whichever is higher.]

¹ Rule 42(2) substituted - G.O.Ms.No.3, Finance (Pension) Department, dated 05-01-2000.

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¹[(3) For purposes of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.]

43. Amount of Pension:- ²[(1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the uniform rate of half-month's emoluments for every completed six monthly period of service.]

(2) In the case of a Government servant, retiring in accordance with the provisions of these rules after completing qualifying service of not less than 10 years, the amount to pension shall be the appropriate amount as set out below namely:-

³[(B) PENSION

Completed six monthly periods of qualifying service	Scale of Pension
(1)	(2)
20	15.00 / 80ths average emoluments.
21	15.50 / 80ths average emoluments.
22	16.00 / 80ths average emoluments.
23	16.50 / 80ths average emoluments.
24	17.00 / 80ths average emoluments.
25	17.50 / 80ths average emoluments.
26	18.00 / 80ths average emoluments.
27	18.50 / 80ths average emoluments.
28	19.00 / 80ths average emoluments.
29	19.50 / 80ths average emoluments.
30	20.00 / 80ths average emoluments.
31	20.50 / 80ths average emoluments.
32	21.00 / 80ths average emoluments.
33	21.50 / 80ths average emoluments.
34	22.00 / 80ths average emoluments.
35	22.50 / 80ths average emoluments.
36	23.00 / 80ths average emoluments.
37	23.50 / 80ths average emoluments.
38	24.00 / 80ths average emoluments.
39	24.50 / 80ths average emoluments.
40	25.00 / 80ths average emoluments.
41	25.50 / 80ths average emoluments.
42	26.00 / 80ths average emoluments.

¹ Rule 42(3) added - G.O.Ms.No.1115, Finance (BG.III) Department, dated 12-12-1980.

² Rule 43(1) substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995.

³ Rule 43(2) Table "(B) Pension" substituted - G.O.Ms.No.596, Finance (Pension) department, dated 25-11-1997 with effect from 1-1-1979.

Completed six monthly periods of qualifying service	Scale of Pension
43	26.50 / 80ths average emoluments.
44	27.00 / 80ths average emoluments.
45	27.50 / 80ths average emoluments.
46	28.00 / 80ths average emoluments.
47	28.50 / 80ths average emoluments.
48	29.00 / 80ths average emoluments.
49	29.50 / 80ths average emoluments.
50	30.00 / 80ths average emoluments.
51	30.30 / 80ths average emoluments.
52	30.60 / 80ths average emoluments.
53	30.90 / 80ths average emoluments.
54	31.20 / 80ths average emoluments.
55	31.50 / 80ths average emoluments.
56	31.80 / 80ths average emoluments.
57	32.10 / 80ths average emoluments.
58	32.40 / 80ths average emoluments.
59	32.70 / 80ths average emoluments.
60 and above	33.00 / 80ths average emoluments.]

NOTE:- In this case of officers who retired on or before 1st October 1970 pension shall be the appropriate amount as set out below:--

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum Pension (in rupees per annum)
(1)	(2)	(3)
20	10 / 80ths Average emoluments	2,700
21	10 ½ / 80ths Do	2,835
22	11 / 80ths Do	2,970
23	11 ½ / 80ths Do	3,105
24	12 / 80ths Do	3,240
25	12 ½ / 80ths Do	3,375
26	13 / 80ths Do	3,510
27	13 ½ / 80ths Do	3,645
28	14 / 80ths Do	3,780
29	14 ½ / 80ths Do	3,915
30	15 / 80ths Do	4,050
31	15 ½ / 80ths Do	4,185
32	16 / 80ths Do	4,320
33	16 ½ / 80ths Do	4,455
34	17 / 80ths Do	4,590
35	17 ½ / 80ths Do	4,725
36	18 / 80ths Do	4,860
37	18 ½ / 80ths Do	4,995
38	19 / 80ths Do	5,130
39	19 ½ / 80ths Do	5,265

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Completed six monthly periods of qualifying service	Scale of gratuity or pension		Maximum Pension (in rupees per annum)
(1)	(2)		(3)
40	20 / 80ths	Do	5,400
41	20 ½ / 80ths	Do	5,535
42	21 / 80ths	Do	5,670
43	21 ½ / 80ths	Do	5,805
44	22 / 80ths	Do	5,940
45	22 ½ / 80ths	Do	6,075
46	23 / 80ths	Do	6,210
47	23 ½ / 80ths	Do	6,345
48	24 / 80ths	Do	6,480
49	24 ½ / 80ths	Do	6,615
50	25 / 80ths	Do	6,750
51	25 ½ / 80ths	Do	6,885
52	26 / 80ths	Do	7,020
53	26 ½ / 80ths	Do	7,155
54	27 / 80ths	Do	7,290
55	27 ½ / 80ths	Do	7,425
56	28 / 80ths	Do	7,560
57	28 ½ / 80ths	Do	7,695
58	29 / 80ths	Do	7,830
59	29 ½ / 80ths	Do	7,965
60	30 / 80ths	Do	8,100

¹[(2A) In respect of persons who retire on or after 31st October 1979, the amount of pension shall be the appropriate amount as set out below: -

(a) In the case of a Government servant retiring in accordance with the provisions of these rules, after completing qualifying service of not less than thirty three years the amount of pension shall be determined as follows, namely:-

Average emoluments	Amount of monthly pension
(1)	(2)
Upto first Rs.1,000	: 50 per cent of average emoluments
Next Rs.500	: 45 per cent of average emoluments
Balance	: 40 per cent of average emoluments subject to a maximum of Rs.1,500 per mensem.
	² [Provided that, with effect on and from the 1 st October 1984, there shall be no maximum pension.]

¹ Rule 43(2-A) added - G.O.Ms.No.38, Finance (Pension) Department, dated 27-01-1982 with effect from 1st October 1979.

² Rule 43(2-A)(a) proviso to the Table added - G.O.Ms.No.124, Finance (Pension) Department, dated 21-02-1995 with effect from 1st October 1984.

¹[Provided that in the case of a Government servant who retires on or after the 14th December 1987, pension shall be calculated at the rate of 50 per cent of average emoluments.]

²[Provided further that in the case of Government servant who retires on or after the 1st July, 1996, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of service rendered or fifty per cent of pay last drawn by the Government servant, whichever is higher.]

³[Provided further that in the case of Government servant who retires on or after the 1st July, 1996, after completing qualifying service of not less than thirty years, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of service rendered or fifty per cent of pay last drawn by the Government servant whichever is higher and the maximum qualifying service to become eligible for full pension shall be thirty years.]

(b) In the case of a Government servant retiring in accordance with the provisions of these rules, before completing qualifying service of [thirty three years] thirty years but after completing qualifying service of ten years, the amount of pension shall be [proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be] less than rupees ⁴[one hundred] ⁵[one hundred and twenty five] ⁶[two hundred and thirty five] ⁷[two hundred and forty five] ⁸[three hundred and seventy five] ⁹[one thousand two hundred and seventy five] three thousand and fifty per mensem.

¹⁰[Provided that in case of a Government servant who retires on or after 1st July, 1996, before completing qualifying service of thirty years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under the second proviso to clause (a).]

(c) Notwithstanding anything contained in clauses (a) and (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 49.

¹ Rule 43(2-A)(a) First Proviso added - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1984.

² Rule 43(2-A)(a) Second Proviso added - G.O.Ms.No.145, Finance (Pension) Department, dated 27-03-1997 with effect from 1-7-1996

³ Rule 43(2-A)(a) Second Proviso substituted - G.O.Ms.No.356, Finance (Pension) Department, dated 18-09-2001 with effect from 1-7-1996

⁴ Rule 43(2-A)(b) for the words "one hundred", the words "one hundred and twenty five" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982

⁵ Rule 43(2-A)(b) for the words "one hundred and twenty five", the words "two hundred and thirty five" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984

⁶ Rule 43(2-A)(b) for the words "two hundred and thirty five", the words "two hundred and forty five" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1988

⁷ Rule 43(2-A)(b) for the words "two hundred and forty five", the words "three hundred and seventy five" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988

⁸ Rule 43(2-A)(b) for the words "three hundred and seventy five", the words "one thousand two hundred and seventy five" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.

⁹ Rule 43(2-A)(b) for the words "one thousand two hundred and seventy five", the words "three thousand and fifty" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.

¹⁰ Proviso to Rule 43(2-A)(b) added - G.O.Ms.No.356, Finance (Pension) Department, dated 16-09-2001 with effect from 1-7-1996

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(d) A Government servant who entered service prior to 1st October 1979 may opt for pension as per the provision in clause (a) above and for the Death-cum-Retirement Gratuity as per the provision in clause (c) of sub-rule (1) of rule 45. The option should cover both pension and Death-cum-Retirement Gratuity and not any one. The option shall be exercised one year before the date of retirement and if once exercised shall be final.

¹[(3) In calculating the length of qualifying service, fraction of a year equal to ²[three] months and above shall be treated as completed one half year and reckoned as qualifying service.

(4) The amount of pension finally determined under this rule shall be expressed in whole rupees and where the pension contain a fraction of a rupee, it shall be rounded off to the next higher rupee.

Provided that in no case a pension in excess of the maximum pension prescribed under this rule shall be allowed.]

NOTE.—Illustrative examples are given below:-

(a) Where two Governments are involved -

		Rs. P.	
(Paying Government)	A	11.40	(0.40 to be ignored)
	B	24.60	(to be rounded off to 25)
		<u>36.00</u>	

(b) where, three or more Governments are involved -

		Rs. P.	
(Paying Government)	A	11.10	11.10 (0.10 to be ignored)
	B	12.80	(to be rounded off to 13)
	C	25.75	(to be rounded off to 26)
	D	40.35	(0.35 to be ignored)
		<u>90.00</u>	

A few illustrations are cited below :-

ILLUSTRATION

(i) A pension of Rs.238.55 to be divided among three Governments in the ratio of 5:4:1.

The share works out to --*

Rs.119.275 (2) Rs.95.420 (3) 23.855 By rounding—

	Rs. P.
(1) would be	119.00
(2) would be	95.00
(3) would be	24.00
Total	<u>238.00</u>

¹ Rule 43(3) and 43(4) including proviso substituted - G.O.Ms.No.38, Finance (BG-III) Department, dated 27-01-1982 with effect from 1st October 1979.

² Rule 43(3) for the word "six", the word "three" substituted - G.O.Ms.No.762, Finance (Pension) Department, Dated 05-09-1994 with effect from 1st January 1986.

(ii) A pension of Rs.336.35 to be divided among four Government in the ratio of 6:4:2:1.

(1) Rs.155.24 (2) Rs.103.49, (3) Rs.51.75, (4) 25.87

The share works out to -

By rounding -

	Rs. P.
(1) would be	155.00
(2) would be	103.00
(3) would be	52.00
(4) would be	26.00
Total	<u>336.00</u>

(iii) A pension of Rs.198.45 is to be divided among three Governments in the ratio of 7:5:1

(1) Rs.106.86, (2) 76.33, (3) Rs. 15.27

By rounding --

	Rs. P.
(1) would be	107.00
(2) would be	76.00
(3) would be	15.00
Total	<u>198.00</u>

(iv) If a pension of Rs.560.55 is to be allocated among four Governments as follow:-

By rounding -

A.	Rs.259.625
B	Rs.170.275
C	Rs. 64.320
D	Rs. 75.330

* The share by rounding would be ---

C. would be	Rs.	64.00
D. would be	Rs.	75.00
B. would be	Rs.	170.00
A would be	Rs.	251.00
Total	Rs.	<u>560.00</u>

(5) Where the amount of pension after due calculations, inclusive of ad hoc increment sanctioned from time to time is less than the minimum pension, the difference shall be made good by the grant of further increase in pension.

NOTE: (i) For purposes of this rule, an officer cannot count the following allowances:-

- (1) Local allowance and deputation (local) allowances
- (2) House Rent Allowance or estimated value of free quarters

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(3) Tour and other allowances; and

(4) Compensation for dearness of provisions.

NOTE: (ii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Government the minimum pension increase ordered will not be admissible.

NOTE: (iii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Defence Department, the pension increase order will not be admissible.

44. Regulation of pay in case of re-employed Government pensioner.-

(1) The authority Competent to fix the pay and allowances of the Post in which a pensioner is re-employed shall determine whether the pension shall be held wholly or partly in abeyance. If pension is drawn wholly or in part, such authority shall take the amount of such pension into account in fixing the pay to be allowed to him.

Explanation:- Where the employment is in a service paid from 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 Government by special or general orders in this behalf; or
- (ii) in any other case, the Government or such other authority as the Government may prescribe.

NOTE:- Rules relating to the re-employment of superannuation of retiring pensioners do not apply to post in hereditary village officers.

(2) No retired personnel should be re-employed without specific orders of Government.

(3) Sub-rule (2) shall not apply to the re-employment in posts borne on the contingent establishment but it will apply to re-employment in posts borne on the work charged establishment. The principles governing the fixation of pay laid down in sub-rule (4) will, however, apply to re-employment in posts borne on contingent establishment as well as work charged establishment. In cases where the post of re-employment carries a fixed pay, that fixed pay will be taken as "the maximum of the post" referred to in sub-rule (4). In the cases of re-employment in posts paid from contingencies and of unskilled labourers where the pension exceeds the pay (proper) of the post, the re-employed person may, at the discretion of the appointing authority, be permitted to receive in addition to the pay of the post, a portion of their pension not exceeding half. They may also be allowed dearness allowance calculated on the total of the pension drawn and the pay on re-employment and other allowances attached to the post but not the temporary, increase in pension, which will be held in abeyance during the period of the re-employment.

(4) (i) The general principle governing the fixation of pay of a re-employed pensioner in the same or similar post is to allow him to draw his pension in full and in addition such pay as will bring his total emoluments up to the rate of pay drawn by him on the date of his retirement.

(ii) In the cases of re-employment in a higher post where the minimum pay of the post is more than the pay last drawn the pensioner may be allowed to minimum pay of the post, less pension and pension equivalent of other retirement benefits.

(iii) In the case, however, of a pensioner re-employed in a lower post, his pay plus pension during re-employment should be limited to the pay drawn by him at the time of retirement or to the maximum of the post in which he is re-employed whichever is less.

(iv) A re-employed pensioner may in addition, be allowed to draw the special pay attached to the post in which he is re-employed.

(v) Technical personnel who are re-employed in the Survey Department may be allowed the basic initial pay of the posts to which they are appointed in addition to their pension.

¹[(vi) Normal increments shall be sanctioned to the Government pensioners who are re-employed in the time scale of pay of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other retirement benefits is made) subject to the condition that the pay and gross pension or pension equivalent of other retirement benefits taken together do not at any time exceed Rs.26,000/- per month.]

(5) In the case of persons who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941, the gratuity rules relating to Public Works, Work Shops, the Transport Department, etc., and are re-employed in posts the basic pay of which does not exceed Rs.80 per mensem, no deduction need be made from the pay on re-employment on account of the gratuity admissible to them. They will be allowed during re-employment the pay normally admissible to them without taking into consideration the fact of their having received a gratuity for their service prior to re-employment. The gratuity will be recovered if the subsequent service along with the previous services is to be reckoned for gratuity. The pension equivalent of the gratuity will, however, be taken into account in the case of others, i.e. in the case of those who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941, the gratuity rules relating to public works, workshops, the Transport Department, etc and are re-employed in posts the basic pay of which exceeds Rs.80 per mensem, their pay on re-employment will be such as together with the pension equivalent of the gratuity (calculated by adopting the table of commuted value of civil pensions) will not exceed the pay last drawn by them while in services of the maximum of the post of re-employment, whichever is less. The term "Basic" pay used above should, in the case of posts carrying time scales of pay be taken as the actual as the pay allowed to the re-employed Government servant (before deduction of the pension equivalent).

(6) When a Government servant governed by the Contributory Provident Fund is re-employed in the same or a similar post, his pay will be so fixed that such pay together with the pension equivalent of the Government contribution and interest thereon credited to his provident fund shall not exceed the pay last drawn by him before retirement the pension equivalent being calculated by adopting the table of commuted value of civil pensions. In the case of pensioners, who are borne on the Contributory Provident Fund cum Pension System, the pay on re-employment will be reduced not only by the pension admissible to them but also by the pension equivalent of the Government contribution and interest thereon credited to their provident fund in lieu of half the regular pension.

¹ Rule 44(4)(vi) added - G.O.Ms.No.604, Finance (Pension) Department, dated 03-12-2003.

(7) In the case of those retired from the service of the Corporation of Madras and re-employed under Government in the Medical and Public Health Departments, the pay on re-employment will be such as together with their pension, pension equivalent of the gratuity pension equivalent of the contributions with interest therein credited to their provident fund will not exceed the pay last drawn by them or the maximum of the post of re-employment whichever is less. Those who retired from the service of other local funds will on re-employment under Government in the Medical and Public Health Departments be allowed the minimum of the scale of post of re-employment according to their qualification in addition to any retirement benefit admissible to them from the local fund.

The Universities of the Tamil Nadu State are not "Local Funds" within the meaning of the rules.

A retired Government servant appointed as the Vice-Chancellor of a University in the Tamil Nadu State may continue to draw his full pension in addition to his salary as Vice-Chancellor.

45. Death-cum-Retirement Gratuity. - (1) (a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under rule 43, shall, on his retirement be granted death-cum-retirement gratuity as in the table below for each completed six monthly period of qualifying service, subject to a maximum of fifteen times, the emoluments: --

¹THE TABLE

Scale of Death-cum-Retirement Gratuity

<i>Completed six monthly periods of qualifying service</i>	<i>Amount of gratuity</i>
(1)	(2)
10	3.00 months emoluments
11	3.30 months emoluments
12	3.60 months emoluments
13	3.90 months emoluments
14	4.20 months emoluments
15	4.50 months emoluments
16	4.80 months emoluments
17	5.10 months emoluments
18	5.40 months emoluments
19	5.70 months emoluments
20	6.00 months emoluments
21	6.30 months emoluments
22	6.60 months emoluments
23	6.90 months emoluments
24	7.20 months emoluments
25	7.50 months emoluments
26	7.80 months emoluments
27	8.10 months emoluments
28	8.40 months emoluments
29	8.70 months emoluments
30	9.00 months emoluments
31	9.30 months emoluments

¹ Table to 45(1)(a) substituted - G.O.Ms.No.595, Finance (Pension) Department, dated 25-11-1997

<i>Completed six monthly periods of qualifying service</i>	<i>Amount of gratuity</i>
(1)	(2)
32	9.60 months emoluments
33	9.90 months emoluments
34	10.20 months emoluments
35	10.50 months emoluments
36	10.80 months emoluments
37	11.10 months emoluments
38	11.40 months emoluments
39	11.70 months emoluments
40	12.00 months emoluments
41	12.30 months emoluments
42	12.60 months emoluments
43	12.90 months emoluments
44	13.20 months emoluments
45	13.50 months emoluments
46	13.80 months emoluments
47	14.10 months emoluments
48	14.40 months emoluments
49	14.70 months emoluments
50	15.00 months emoluments
51	15.15 months emoluments
52	15.30 months emoluments
53	15.45 months emoluments
54	15.60 months emoluments
55	15.75 months emoluments
56	15.90 months emoluments
57	16.05 months emoluments
58	16.20 months emoluments
59	16.35 months emoluments
60 and above	16.50 months emoluments

Provided that in the case of retirement of a Government servant after completion of a qualifying service of thirty years, the maximum Death-cum-Retirement Gratuity shall be payable not exceeding rupees thirty thousand.]

¹[(b) If a Government servant dies while in service, Death Gratuity shall be paid as specified in the table below and in accordance with the provisions of sub-rule (1) of the rule 46 -

	Length of service (1)	Rate of Gratuity (2)
(i)	Less than one year	Two times of monthly emoluments
(ii)	More than one year and above but less than five years	Six times of monthly emoluments

¹ Rule 45(1)(b) including proviso thereto substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1987.

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	Length of service (1)	Rate of Gratuity (2)
(iii)	More than five years and above but less than twenty years	Twelve times of monthly emoluments
(iv)	More than twenty years and above	Half of monthly emoluments for every completed six monthly services subject to a maximum of thirty three times of monthly emoluments, the amount of which shall, in no case, exceed Rupees one lakh]

(c) In the case of retirement or death of a Government servant after the 1st October 1979 and after completing five years qualifying service, the amount of death-cum-retirement gratuity shall be one-fourth of his emoluments for each completed six months period of qualifying service subject to a maximum of sixteen and a half times the emoluments.

Provided that in no case the amount of death-cum-retirement gratuity payable exceed rupees thirty thousand.

Provided further that in respect of cases arising on or after the 31st May 1982, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees thirty six thousand.

¹[Provided also that in respect of cases arising on or after the 1st October, 1984, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees fifty thousand.

Provided also that in respect of cases arising on or after the 14th December, 1987, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees one lakh.]

²[Provided also that in respect of cases arising on or after the 1st April, 1995, the maximum limit of Death-cum-Retirement Gratuity shall not exceed Rupees two lakhs and fifty thousand.]

³[Provided also that in respect of cases arising on or after the 1st January, 1996, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees three lakhs and fifty thousand.]

⁴[Provided also that in respect of cases arising on or after the 1st January, 2006, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees ten lakh.]

(2) If a Government servant who has become eligible for a service gratuity or pension dies within five years from the date of his retirement from service including

¹ Third and Fourth Provisos to Rule 45(1)(c) added - G.O.Ms.No.124, Finance (Pension) Department, dated 21-02-1995

² Fifth Proviso to Rule 45(1)(c) added - G.O.Ms.No.138, Finance (Pension) Department, dated 25-03-1997.

³ Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.316, Finance (Pension) Department, dated 23-07-2009

⁴ Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.319, Finance (Pension) Department, dated 23-07-2009

compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad hoc increase if any, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary cum-retirement gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule 46.

[(3) (a) If a Government servant dies in the first year of qualifying service, a death gratuity equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub-rule (1) of rule 46.

(b) If a Government servant dies after completion of one year of qualifying service but before completing five years of qualifying service, the amount of death gratuity shall be equal to six times of his emoluments.]

(3) ¹[***]

(4) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 30.

Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service other wise than as penalty, average emoluments as referred to in rule 31 shall be treated as emoluments.

(5) For the purposes of this rule and rule 46, 47 and 48 'family' in relation to a Government servant means.

- (i) Wife or wives, including judicially separated wife or wives in the case of a male Government servant.
- (ii) husband, including judicially separated husband in the case of a female Government servant.
- (iii) ²[sons including step sons, adopted sons and sons born through illegitimate wife.
- (iv) unmarried daughters including step daughter, adopted daughters and unmarried daughters born through illegitimate wife.
- (v) widowed daughters including step daughters, adopted daughters and widowed daughter born through illegitimate wife.]
- (vi) father, including adoptive parents in the case of individuals whose personal law permits adoption.
- (vii) mother ³[and step mother], including adoptive parents in the case of individuals whose personal law permits adoption.
- (viii) brothers below the age of eighteen years, including step brothers.
- (ix) unmarried sisters and widowed sisters, including step sisters.

¹ Rule 45 Sub rule 3 Omitted - G.O.Ms.No.448, Finance (Pension) Department, dated 07-06-1995 with effect from 14th December 1987.

² Rule 45(5)(iii) to (v) substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.

³ Rule 45(5)(vii) the words "and step mother" inserted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28th December 1983.

- (x) married daughters, and
- (xi) Children of pre-deceased son.

¹[45-A. *Interest on delayed payment of Gratuity*:- (1) Interest at the rate of eight per cent per annum shall be payable on the death-cum-retirement gratuity paid beyond (a) period of two months from the date of retirement of a Government servant ²[***].

³[Provided that on and from the 12th June 1987, the rate of such interest shall be as follows:-

- (a) seven per cent per annum beyond a period of three months and up to one years; and
- (b) ten per cent per annum beyond a period of one year;

⁴[Provided further that on and from 20th February 1995, the rate of such interest shall be twelve percent per annum (compounded annually).

Provided also that on and from 1st April 2004, the rate of such interest shall be at the rate of interest payable, on General Provident Fund during the year of retirement of the Government servant (compounded annually).]

Provided further that no such interest shall be payable:-

- (a) where the institution of departmental or judicial proceeding against the retiring Government servant concerned is pending; and
- (b) for the fraction of a month.]

⁵[(1-A) The period beyond which such interest is payable, shall be as follows:-

- (i) in the case of a Government servant retired otherwise on superannuation and where the death-cum-retirement gratuity is withheld on account of disciplinary proceeding pending against him:-
 - (a) three months from the date of retirement where the Government servant is exonerated of all charges and where the death-cum-retirement gratuity is paid on the conclusion of disciplinary proceedings.
 - (b) three months from the date of death where the disciplinary proceedings are dropped on account of death of a Government servant.
 - (c) three months from the date of issue of orders by the competent authority allowing payment of death-cum-retirement gratuity where the Government servant is not

¹ Rule 45-A inserted - G.O.Ms.No.506, Finance (Pension) Department, dated 27-06-1995.

² Rule 45-A(1) the words "in any Head of Office" omitted - G.O.Ms.No.509, Finance (Pension) Department, dated 27-06-1995 with effect from 1st December 1988.

³ Proviso to 45-A substituted - G.O.Ms.No.507, Finance (Pension) Department, dated 27-6-1995.

⁴ Proviso to 45-A inserted - G.O.Ms.No.487, Finance (Pension) Department, dated 07-10-2009.

⁵ Rule 45-A (1-A) inserted - G.O.Ms.No.510, Finance (Pension) Department, dated 27-6-1995 with effect from 10th May 1991.

fully exonerated on the conclusion of disciplinary proceedings and where the competent authority desires to allow payment of death-cum-retirement gratuity.

- (ii) six months from the date of retirement of a Government servant otherwise than on superannuation under Fundamental Rule 56(2) or 56(3) or rules 33, 36, 38, 39 and 42 of the Tamil Nadu Pension Rules, 1978.
- (iii) six months from the date of death of a Government servant while in service and where the delay is not caused on account of more than one claimant.
- (iv) three months from the date of issue of orders revising the emoluments where the amount of death-cum-retirement gratuity already paid is enhanced on account of revision of emoluments and
- (v) six months from the date of absorption in the case of permanent absorption in the Public Sector Undertakings or Autonomous Bodies otherwise than on en mass transfer on conversion of Government department or a part thereof into Public Sector Undertakings or Autonomous Bodies.]

[¹(2) The Government shall be the authority competent to sanction such interest.]

46. Persons to whom gratuity is payable. — (1) (a) The gratuity payable under rule 45 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under rule 48:

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below:-

- (i) if there are one or more surviving members of the family as in clauses (i), (ii), (iii) and (iv) of sub rule (5) of rule 45 to all such members in equal shares.
- (ii) If there are no such surviving members of the family as in sub clause (1) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub rule (5) of rule 45, to all such members in equal shares.

(2) If a Government servant dies after retirement, without receiving the gratuity admissible under sub-rule (1) of rule 45, the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1)

²[(2-A) If a Government servant dies while in service or after retirement without receiving the gratuity, the share of gratuity of a family member who dies after the death of the Government servant or becomes disqualified but before receiving the payment of his share of gratuity, shall be disbursed to the family in the manner indicated in sub-rule (1) and sub-rule (3) of the rule 48.]

¹Rule 45-A(2) added and 45-A1 renumbered as 45-A(1) - G.O.Ms.No.508, Finance (Pension) department, dated 27-6-1995 with effect from 15th June 1987.

²Rule 46(2-A) inserted - G.O.Ms.No.647, Finance (Pension) Department, dated 1-8-1995 with effect from 1st January 1979.

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(3) The right of a female member of the family, or that of a brother, of a Government servant who dies while in service or after retirement, to receive the share of gratuity shall not be affected if a female member marries or re-marries or the brother attains the age of eighteen years after the death of the Government servant and before receiving her or his share of the gratuity.

(4) Where gratuity is granted under rule 45 to a minor member of the family of the deceased Government Servant it shall payable to the guardian on behalf of the minor.

NOTE.- (i) Where a non-valid nomination subsists-

- (a) when a share is payable to minor sons or minor unmarried daughters it shall be paid to the surviving parent except in the case when the surviving parent happens to be Muslim Lady. Where, however, there is no surviving parent or the surviving parent is a Muslim lady; payment shall be made to the persons producing the guardianship certificate.
- (b) When a share is payable to widowed minor daughter(s), production of a guardianship certificate will be necessary
- (c) If in a rare case the wife herself happens to be a minor the death cum-retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.
- (d) When there are no surviving members of the family as in items (i),(ii), (iii) and (iv), of sub-rule (5) of rule 45, the death-cum-gratuity becomes payable to a minor brother or a minor unmarried sister, the payment shall be made to the father or in his absence, the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment, shall be made to the persons producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate will be necessary.

NOTE: (ii) Where a valid nomination subsists.

- (a) Where the nomination is in respect of one or more of the members of the family, the position stated under item (I) above will apply.
- (b) Where there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister will also be valid. The position will, therefore, be as follows:-

- (i) ¹[***]

¹ Rule 46(4) Note (ii)(b) "(i) If the nominee is an illegitimate child, share will be payable to the mother and in her absence the production of a guardianship certificate will be necessary." omitted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.

- (ii) If the share is payable to a married minor girl, the share will be payable to the husband. In case where payment of the minor(s) share of death-cum-retirement gratuity is to be made to the natural / legal guardian, in order to issue the necessary payment authority in his / her favour, the Accountant General, Tamil Nadu must know this fact as well as the name of the natural legal guardian. If the above information is not given in the sanction order, the Accountant General will have to make enquiries on this.

NOTE (iii): Notwithstanding anything contained in the above notes payment of death-cum-retirement gratuity to the extent of ¹[Rs.10,000] (for the first ²[Rs.10,000] where the amount payable exceeds, ²[Rs.10,000]) in favour of a minor may be made to his / her guardian, in the absence of a natural guardian, without the production of a guardianship certificate but subject to production of an indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of ²[Rs.10,000], if any, would become payable on the production of a certificate of guardianship.

It is essential, however, that there should be adequate prima facie grounds for making payment as stated above to the persons claiming it. Such ground can exist only if he is shown by sworn declaration to be a *de facto* guardian and his *bona fides* have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person, is in law a *de facto* guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in-charge of the property of the minor and is looking after it or that if the minor has no property other than the gratuity the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.

The Indemnity Bond shall be executed in Form 25. The stamp duty payable on the Indemnity bond has been remitted by the Government. The Bond should be executed on durable plain paper. It should be signed by the obligor and the surety / sureties or their respective Attorney appointed by Power of attorney. The Indemnity bond should be accepted by the Head of the Department on behalf of the Governor of Tamil Nadu. The obligor as well as the sureties should have attained majority so that the bond may have legal effect or force;

²[46-A. *Debarring a person from receiving gratuity-* (1) If a person, who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of rule 46, is charged with offence of murdering that Government servant or for abetting in the Commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

¹ Rule 46(4) Note (iii) for the expressions "Rs.5000", the expressions "Rs.10,000" in four places substituted - G.O.Ms.No.197, Finance (Pension) Department, dated 16-3-1995 with effect from 07-10-1989.

² Rule 46-A inserted - G.O.Ms.No.496, Finance (BG-III) Department, dated 29-07-1981.

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(2) If on the conclusion of the criminal proceeding referred to in sub-rule (1) the person concerned-

- (a) is convicted for the murder or abetting in the murder of the Government Servant, 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 servant, his share of gratuity shall be payable to him.

(3) The provisions of sub-rule (1) and (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of rule 46.]

47. Lapse of death cum-retirement gratuity.— Where a Government servant dies while in service or after retirement without receiving the amount of gratuity, and

- (a) leaves behind no family; or
- (b) has made no nomination; or
- (c) the nomination made by him does not subsist, the amount of death cum retirement gratuity payable to him under rule 45 shall lapse to the Government.

¹[Provided that the amount of death gratuity or retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.]

48. Nomination.— (1) A Government servant shall make a nomination in Form 1 or Form 2, as may be as appropriate in the circumstances of the case conferring on one or more persons the right to receive the Death-cum-Retirement Gratuity payable under rule 45:

Provided that, if at the time of making the nomination-

- (i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family ²[***].
- (ii) the Government servant has no family the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a Government servant nominated more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such a manner as to cover the entire amount of gratuity.

(3) A Government servant may provide in the nomination. --

- (i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of

¹ Proviso to Rule 47 added - G.O.Ms.No.147, Finance (Pension) Department, dated 12-02-1990 with effect from 12th February 1990.

² Proviso (i) to Rule 48(1), the words "and such nomination shall be in the order laid down in sub-rule (5) of rule 45" omitted - "G.O.Ms.No.173, Finance (Pension) Department, dated 03-04-1997.

gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination:

Provided that if at the time of making the nomination the Government servant 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.

Provided further that where a Government servant has only one member, in his family and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of individual whether incorporated or not;

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to clause (i) of sub rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A Government servant may, at any time cancel a nomination by sending a notice in writing to the authority mentioned in sub-rule (7):

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this rule.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (3) or the occurrence of any event by reason or which the nomination, becomes invalid in pursuance of clause (ii) of that sub-rule, the Government servant shall send to the authority mentioned in sub-rule (7) a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rules.

(7) ¹[(a) Every nomination made (including every notice of cancellation, if any, given) by a self-drawing Government servant under this rule shall be sent –

(i) in case the Government servant is a permanent self-drawing Government servant other than a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Audit Officer concerned and

(ii) in any other case, including that of a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Head of Office.]

(b) The Audit Officer or the Head of Office, as the case may be shall, immediately on receipt of the nomination referred to in clause (a), countersign it indicating the date of receipt and keep it under his custody.

(c) (i) The Head of Office may authorise his subordinate ¹[self-drawing Government servants] to countersign the nomination forms of [non-self drawing Government servants].

¹ Rule 48(7)(a) substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

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(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the [non-self drawing Government servants].

(8) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the authority mentioned in sub rule (7).

49. ²[***] **Family pension.**-(1) The provision of this rule shall apply to a Government servant entering service in a pensionable establishment whether temporary or permanent on or after the 1st April 1964, or who was in service on the 31st March 1964 and came to be governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964, except the following, namely:-

- (i) Government servants who retired before the 1st April 1964, but are re-employed on that date or thereafter.
- (ii) Government servants who are employed in Government Industrial Undertakings to whom the Factories Act, 1948 (Central Act LXIII of 1948) or the Employees' Provident Funds Act, 1952 (Central Act XIX of 1952) are applicable excluding those who are governed by statutory service rules and belong to pensionable service.
- (iii) Government servants who belong to non-pensionable service, namely persons paid from contingencies, work charged staff, casual labour contract officers.

(2) ³[***] Without prejudice to the provisions contained in sub-rule (3) where a Government servant dies -

- (a) after completion of not less than one year continuous service; or
- (b) after retirement from service and was in receipt of pension on the date of death, the family of the deceased shall be entitled to a ⁴[***] family pension (hereinafter in this rule referred to as family pension), the amount of which shall be determined as follows:-

1	Below Rs.200	30 per cent of pay	Minimum of Rs.50
2	Rs. 200 and above but below Rs.800	15 per cent of pay	Minimum of Rs.60
3	Rs. 800 and above	12 per cent of pay	Maximum of Rs.300 and minimum of Rs.150

¹ Rule 48(7)(c) for the words "gazetted officers" and "non-gazetted Government servants", occurring in two places, the words "self drawing Government servants" and "non-self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 49 in the marginal heading, the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

³ Rule 49(2), the expression "Subject to the provisions of sub-rule (5) and" omitted - "G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 21st August 1986.

⁴ Rule 49(2)(b) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

¹[Provided that family pension shall be payable to the family of a Government servant who dies before the completion of one year continuous service, if he was declared fit for Government service by the appropriate medical authority prescribed under the relevant rules immediately prior to his appointment.]

NOTES: (i) The rules do not prohibit the grant of family pension to the family of a Government servant who commits suicide.

(ii) No family pension under these rules shall be payable to the family of a Government servant who dies after retirement unless at the time of his death he was in receipt of or eligible to be paid any of the following classes of pension, namely:- Compensation, Invalid, Retiring or Superannuation Pensions.

(iii) The Government servant who have been compulsorily retired on or after 1st April 1964 and who are in receipt of pension are entitled to Family Pension under these rules.

(iv) Notwithstanding the pendency of any disciplinary proceedings against the deceased Government servant concerned, family pension shall subject to the provisions in sub-rule (4), be payable to the family of the deceased Government servant.

²[(2-A) The family pension payable to a family of a Government servant or a retired government servant who died on or after the 1st April 1979, shall be regulated as under, provided he has completed continuous qualifying service for a period of not less than one year:-

(i) The amount of monthly family pension shall be calculated at the uniform rate of 30 per cent of pay drawn, subject to a minimum of [Rs.100] ³[Rs.125] ⁴[Rs.235] ⁵[Rs.245] ⁶[Rs.375] ⁷[Rs.1275] ⁸[Rs.3050] per mensem and maximum of [Rs.500] ⁹[Rs.800] ¹⁰[Rs.1000] ⁵[Rs.1250] ⁶[Rs.6570] ⁷[Rs.23100] per mensem;

¹ Proviso to Rule 49(2)(b) added - "G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 29th August 1989.

² Rule 49(2-A) inserted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

³ Rule 49(2-A)(i), for the expression "Rs.100", the expression "Rs.125" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982.

⁴ Rule 49(2-A)(i), for the expression "Rs.125", the expression "Rs.235" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

⁵ Rule 49(2-A)(i), for the expression "Rs.235", the expression "Rs.245" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.

⁶ Rule 49(2-A)(i) for the expression "Rs.245 and Rs.1000", the expression "Rs.375 and Rs.1250" respectively substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.

⁷ Rule 49(2-A)(i) for the expression "Rs.375 and Rs.1250", the expression "Rs.1275 and Rs.6570" respectively substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 1996.

⁸ Rule 49(2-A)(i) for the expression "Rs.1275 and Rs.6570", the expression "Rs.3050 and Rs.23100" respectively substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 2006.

⁹ Rule 49(2-A)(i), for the expression "Rs.500", the expression "Rs.800" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

¹⁰ Rule 49(2-A)(i), for the expression "Rs.800", the expression "Rs.1000" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1984.

- (ii) In the case of death after retirement, the quantum of family pension as calculated above shall not exceed the uncommuted value of superannuation pension. A flat rate of family pension of [Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later] ¹[Rs.125] ²[Rs.235] ³[Rs.245] ⁴[Rs.375] ⁵[Rs.1275] ⁶[Rs.3050] per mensem shall be sanctioned to the eligible member of the family of the Government servant who died while in service or after retirement and who were hitherto not eligible for family pension.]

⁷[(3)(a) In the event of death of a Government servant while in service after having rendered not less than seven years continuous service, the rate of family pension payable shall be equal to 50 per cent of the pay last drawn ⁸[***] or [Rs.500] ⁹[Rs.800] ¹⁰[Rs.1000] ¹¹[Rs.1250] ¹²[Rs.6570] ¹³[Rs.23100], whichever is less, and the amount so admissible shall be payable from the date following the date of death of Government Servant for a period of seven years or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.]

NOTES.-1. In the case of widows or widowers governed by the extraordinary pension Rules, Madras, the child allowance, if any, shall be paid in addition.

¹ Rule 49(2-A)(ii), for the expression "Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later", the expression "Rs.125 per mensem" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982

² Rule 49(2-A)(ii), for the expression "Rs.125", the expression "Rs.235" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

³ Rule 49(2-A)(ii), for the expression "Rs.235", the expression "Rs.245" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.

⁴ Rule 49(2-A)(ii) for the expression "Rs.245", the expression "Rs.375" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.

⁵ Rule 49(2-A)(ii) for the expression "Rs.375", the expression "Rs.1275" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.

⁶ Rule 49(2-A)(ii) for the expression "Rs.1275", the expression "Rs.3050" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.

⁷ Rule 49(3)(a) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁸ Rule 49(3)(a) the expression "or twice the family pension admissible under sub-rule (2) or (2-A) as the case may be" omitted - G.O.Ms.No.184, Finance (Pension) Department, dated 14-03-1995 with effect from 1st April 1979.

⁹ Rule 49(3)(a), for the expression "Rs.500", the expression "Rs.800" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

¹⁰ Rule 49(3)(a) for the expression "Rs.800", the expression "Rs.1000" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.

¹¹ Rule 49(3)(a) for the expression "Rs.1000", the expression "Rs.1250" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.

¹² Rule 49(3)(a) for the expression "Rs.1250", the expression "Rs.6570" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.

¹³ Rule 49(3)(a) for the expression "Rs.6570", the expression "Rs.23100" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.

2. The expression, 'the date on which Government servant would have reached the age of superannuation' shall be the case of an officer who is required to retire or who himself chooses to retire under rule 48 of the rules or who after being served with the notice or tendering the notice as the case may be dies while in service or during leave preparatory to retirement before retiring pension mean the date of superannuation in the normal course and not the intended date of retirement on a retiring pension.

3. ¹[***]

4. In the case of a Government servant deputed to the Corporation of Madras or Tamil Nadu Housing Board and who retired or dies while under that institution, the pay including special pay drawn by him at the time of retirement or death, as the case may be, shall be taken into account in calculating the family pension.

(3) (b) After the expiry of the period referred to in clause (a) the family in receipt of family pension under that clause, shall be entitled to family pension at the rate admissible under sub-rule (2).

²[(3) (c) In the event of death of a Government servant after retirement, the family pension as determined under clause (a) shall be payable for a period of seven years or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever earlier.]

³[(3-A) The amount of family pension finally determined under this rule shall be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

Provided that in no case a family pension in excess of the maximum family pension prescribed under this rule shall be allowed.]

⁴[(4) Where an award under the Extraordinary Pension Rules is admissible, no family pension under this rule shall be authorised.]

(5) ⁵[***].

(6) The period for which family pension is payable shall be as follows :-

- (i) in the case of widow or widower, up to the date of death or remarriage, whichever is earlier ;
- (ii) in the case of a son, until he attains the age of ⁶[twenty one years] ⁷[twenty-five years]; and

¹ Rule 49(3)(a), Notes Item-3 omitted - G.O.Ms.No.184, Finance (BG-III) Department, dated 14-03-1995 with effect from 1st April 1979.

² Rule 49(3)(c) added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

³ Rule 49(3-A) and Proviso inserted - G.O.Ms.No.443, Finance (Pension) Department, dated 06-06-1995 with effect from 1st January 1979.

⁴ Rule 49(4) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁵ Rule 49(5) omitted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁶ Rule 49(6)(ii) for the expression "eighteen", the words "twenty one" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁷ Rule 49(6)(ii) for the words "twenty-one years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988

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- (iii) in the case of an unmarried daughter, until she attains the age of ¹[twenty-four years] ²[thirty years] ³[twenty five years] or until she gets married whichever is earlier:

⁴[Provided that if the son or daughter of a Government servant including the son or daughter, born after retirement from the marriage solemnized before or after retirement of a Government servant, is suffering from any disorder or disability of mind ⁵[including mentally retarded] or is physically crippled or disabled, whether such handicap manifests before or after retirement or death while in service of a Government servant, so as to render him or her unable to earn a living] even after attaining the age of [18 years] ⁶[21 years] ⁷[25 years] in the case of the son and ⁸[24 years] ⁹[30 years] ¹⁰[25 years] in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

- (i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (8) until the last minor child attains [the age of 21 or [24] ¹⁰[30], as the case may be,] ¹¹[the age of 25] and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind [including mentally retarded] or who is physically crippled or disabled and shall be payable to him / her for life.

¹ Rule 49(6)(iii) for the expression "twenty one", the words "twenty four" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

² Rule 49(6)(iii), for the words "twenty-four years", the words "thirty years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.

³ Rule 49(6)(iii), for the words "thirty years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

⁴ Rule 49(6) Proviso, for words "Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind [including mentally retarded] or is physically crippled or disabled so as to render him or her unable to earn a living" substituted - G.O.Ms.No.591, Finance (Pension) Department, dated 19-07-1995 with effect from 1st January 1979.

⁵ Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" shall be inserted - G.O.Ms.No.185, Finance (Pension) dated 28-04-2000.

⁶ Rule 49(6) for the figures '18' occurring at two places, the words "twenty one" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁷ Rule 49(6) Proviso, for each of the expression "21 years" and "30 years", the expression "25 years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

⁸ Rule 49(6) for the figures '21' occurring at two places, the words "twenty four" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁹ Rule 49(6) Proviso, for the expression "24 years", the expression "30 years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.

¹⁰ Rule 49(6)(iii) Proviso (i), for the figure "24", the figure "30" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.

¹¹ Rule 49(6)(iii) Proviso (i), for the expression "the age of 21 or 30, as the case may be", the expression "the age of 25" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

[(ii) if there are more than one such son or daughter suffering from disorder or disability of mind [including mentally retarded] or who are physically crippled or disabled, the family pension shall be paid in the following order, namely:-

- (a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the lifetime of the elder;
- (b) Secondly, to the daughter and if there are more than one daughter, the younger of them will get the family pension only after the lifetime of the elder; (till 17th March 1991)

¹[(ii) if there are more than one such son or daughter suffering from disorder or disability of mind ²[including mentally retarded] or who are physically crippled or disabled, the family pension shall be paid -

- (a) in the order of their birth, irrespective of the sex of the child and the immediate younger of him or her will be eligible for family pension only after the elder above him or her becomes ineligible for family pension;
- (b) in cases of twin children to such twin children in equal shares. In the event of any of such children ceasing to be eligible for family pension his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or twin children, as the case may be;]

[(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor]; [till 2nd August 1989]

³[(iii) in the case of minor, the family pension shall be paid to such son or daughter through the guardian];

(iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child.

⁴[(v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon

¹ Rule 49(6)(iii) Proviso (ii) - substituted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.

² Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" inserted - G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.

³ Rule 49(6) Proviso (iii) substituted - G.O.Ms.No.284, Finance (Pension) Department, dated 07-04-1995 with effect from 3rd August 1989.

⁴ Rule 49(6) after item (v) items (vi), (vii) and (viii) added - G.O.Ms.No.783, Finance (Pension) Department, dated 16-09-1994 with effect from 20-12-1990.

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to the effect that he or she continues to suffer from disorder or disability of mind ¹[including mentally retarded] or continues to be physically crippled or disabled.

- (vi) such daughter shall not be eligible for family pension from the date on which she gets married.
- (vii) the family pension payable to such son or daughter shall be stopped if he or she starts earning his (or) her livelihood.
- (viii) it shall be the duty of the guardian of such son or daughter to furnish every month to the Treasury or Bank, as the case may be, a certificate to the effect that he or she has not started earning his or her livelihood; and in the case of such daughter that she has not yet married.]
- ²[(ix) in the case of mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his life time, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on.]

Explanation.- ³[***]⁴

(7) (a) (i) Where family pension is payable to more widows than one, the family pension shall be paid to widows in equal shares.

(ii) On the death of widow, her share of the family pension shall become payable to her eligible child;

[Provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.] (till 14th October 1991)

⁵[Provided that if the widow is not survived by any child, her share of family pension shall be payable to the other widows in equal shares, or if there is only one such widow, in full to her.]

(b) Where the deceased Government or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.

¹ Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" inserted - G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.

² Rule 49(6)(ix) added - G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.

³ Explanation to Rule 49(6) "Only the disability which manifests itself before the retirement or death of Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule." added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁴ Explanation to Rule 49(6) omitted - G.O.Ms.No.591, Finance (Pension) Department, dated 19-07-1995 with effect from 1st January 1979.

⁵ Proviso to Rule 49(7)(a)(ii) substituted - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.

¹[Provided that on the share or shares of family pension payable to child or children or to a widow or widows ceasing to be payable, such share or shares shall be payable to the other widow or widows and or to the other child or children otherwise eligible, in equal shares, or if there is only one widow, or child, in full, to such widow or child.]

(c) Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives, the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had she not been so divorced.

²[Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable such share or shares shall be payable to the other widow or widows and or to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.]

³[**Explanation.**—For the purpose of this rule, the second wife shall be eligible for the benefits of family pension only if the second marriage—

- (i) solemnised as per the customary law prevailed among the community before the date of commencement of the Hindu Marriage Act, 1955 (Central Act 25 of 1955); or
- (ii) solemnised under the Mohammadan Law in which bigamy is permissible.]

⁴[(7-A) Where family pension is payable to more than one person, each share containing a fraction of a rupee, it shall be rounded off to the next higher rupee (Except in cases where family pension, if all the shares are put together exceed the maximum limit of family pension admissible).

Provided that if a family pension (exceptional and rare) where the share of family pension as so rounded off under this sub-rule when added, causes an excess over the maximum limit, such case shall be referred to the Government.]

(8) (i) Except as provided in sub-rule(7), the family pension shall not be payable to more than one member of the family at the same time.

⁵[**Explanation.**—For the purpose of this rule the twin children born at a single birth shall be treated as of the same age and made eligible for family pension in equal shares".]

¹ Proviso to Rule 49(7)(b) added - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.

² Proviso to Rule 49(7)(c) added - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.

³ Explanation to Rule 49(7)(c) added - G.O.Ms.No.906, Finance (Pension) Department, dated 06-12-1995 with effect from 2nd June 1992.

⁴ Rule 49(7-A) and Proviso inserted - G.O.Ms.No.444, Finance (Pension) Department, dated 06-06-1995 with effect from 19th June 1992.

⁵ Explanation to Rule 49(8)(i) inserted - G.O.Ms.No.133, Finance (BG.III) Department, dated 09-03-1981.

(ii) If a deceased Government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

[(iii) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the son attain the age of ¹[twenty one years] ²[twenty five years] and thereby become ineligible for grant of family pension.]
[till 17th March 1991]

³[(iii) (a) If sons and unmarried daughters are alive, the eligible male or female children will be entitled for family pension in the order of their birth, irrespective of the sex of the child, and the immediate younger of him or her will be eligible for family pension only after the elder above him or her become ineligible for family pension.

(b) In the case of twin children, family pension is payable to such twin children in equal shares in the event of anyone of such children ceasing to be eligible for family pension, his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or twin children, as the case may be.]

[(9) Where a deceased Government servant or Pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-rule (6), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.] (till 17th March 1991)

(9) ⁴[***]

(10) Where family pension is granted under this rule to minor, it shall be payable to the guardian on behalf of the minor.

(11) In case both wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife, and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely:-

(a) (i) If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule(3), the amount of both the pensions shall be limited to [six hundred] ⁵[one thousand]

¹ Rule 49(8)(iii) for the words "eighteen years", the words "twenty one years" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

² Rule 49(8)(iii), for the words "twenty one years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

³ Rule 49(8)(iii) substituted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.

⁴ Rule 49(9) omitted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.

⁵ Rule 49(11)(a) for the words "six hundred" occurring in two places, the words "one thousand" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

¹[one thousand and six hundred] ²[two thousand] ³[two thousand and five hundred rupees] per mensem.

(ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3) and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to [six hundred] [one thousand] [one thousand and six hundred] [two thousand] [two thousand and five hundred] per mensem;

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to [three hundred] ⁴[five hundred] ⁵[eight hundred] ⁶[one thousand] ⁷[one thousand two hundred and fifty rupees] per mensem.

(11-A) Where female Government Servant or male Government servant dies leaving behind a judicially separated husband or widow and there is no child or children, the family pension in respect of the deceased shall be payable to the person surviving:

Provided that wherein a case the judicial separation is granted on the ground of adultery and the death of the Government servant take place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

(11-B) (a) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(11-C) (a) If the person who in the event of death of a Government servant while in service or after retirement is eligible to receive family pension under this

¹ Rule 49(11)(a), for the words "one thousand" occurring in two places, the words "one thousand and six hundred" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

² Rule 49(11)(a), for the words "one thousand and six hundred" occurring in two places, the words "two thousand" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.

³ Rule 49(11)(a), for the words "two thousand" occurring in two places, the words "two thousand and five hundred" substituted - G.O.Ms.No.301, Finance (Pension) Department, dated 26-03-1996 with effect from 1st June 1988.

⁴ Rule 49(11)(b) for the words "three hundred", the words "five hundred" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁵ Rule 49(11)(b), for the words "five hundred", the words "eight hundred" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.

⁶ Rule 49(11)(b), for the words "eight hundred", the words "one thousand" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.

⁷ Rule 49(11)(b), for the words "one thousand", the words "one thousand two hundred and fifty" substituted - G.O.Ms.No.301, Finance (Pension) Department, dated 26-04-1996 with effect from 1st June 1988.

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rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the claim of such a person including other eligible member or members of the family to receive the family pension shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a) the person concerned.

(i) is convicted for murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family from the date of the death of the Government servant.

(ii) is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such person from the date of the death of the Government servant".

¹[(11-D) Where the family pension is payable to a son or daughter born after retirement, on or after the 1st January 1979, such family pension shall be payable with effect on and from the 1st January 1989.]

²[(12)(a)(i) As soon as a Government servant has completed one year's service, he shall give the details of his family in Form 3 to the Audit Officer, if he is a self-drawing Government servant and to the Head of Office, if he is a non-self drawing Government servant.

Provided that a Government servant holding a lien or suspended lien on a non-self drawing service or post and holding a self-drawing service or post in a temporary or officiating capacity shall furnish the details of his family in Form 3 to the Head of Office.]

(ii) (a) If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family.

(b) The Government servant shall communicate to the Audit Officer or the Head of Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his female child.

(c) The Audit Officer shall on receipt of the said Form 3, keep it in safe custody and acknowledge receipt of the said Form 3, all further communications received from the Government servant in this behalf.

(d) The Head of Office shall, on receipt of the said Form 3, paste it in the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.

¹ Rule 49(11-D) inserted - G.O.Ms.No.582, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.

² Rule 49(12)(a)(i) substituted and Proviso added - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

(e) The Audit Office or the Head of Office, as the case may be, on receipt of communication from the Government servant regarding any change in the size of family shall incorporate such a change in Form 3.

(13) For the purposes of this rule,-

(a) "continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include.-

(i) period of suspension, if any; [and]

(ii) period of service, if any rendered before attaining the age of eighteen years; and

¹[(iii) period of extraordinary leave without medical certificate.]

(b) family, in relation to a Government servant mean -

²[(i) (a) wife in the case of a male Government servant or husband in the case of a female Government servants;

(b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.]

³[(ii) son who has not attained the age of [twenty one years] ⁴[twenty five years] and unmarried daughter who has not attained the age of [twenty four years] ⁵[thirty years] [twenty five years] ⁶[including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife] ⁷[***] ⁸[and such son or daughter born after retirement, on or after the 1st January 1979].]

¹ Rule 49(13)(a)(i) the word "and" omitted, Rule 49(13)(a)(ii) the word "and" added and Rule 49(13)(a)(iii) added - G.O.Ms.No.878, Finance (Pension) Department, dated 25-10-1994 with effect from 1st January 1979.

² Rule 49(13)(b)(i) and (i-a) substituted as (i)(a) and (i)(b) - G.O.Ms.No.583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.

³ Rule 49(13)(b)(ii) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁴ Rule 49(13)(b)(ii), for each of the words "twenty-one years" and "thirty years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

⁵ Rule 49(13)(b)(ii), for the words "twenty-four years", the words "thirty years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.

⁶ Rule 49(13)(b)(ii), for the words "including such son and daughter adopted legally", the words "including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife" substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.

⁷ Rule 49(13)(b)(ii) the words "before retirement" omitted - G.O.Ms.No.506, Finance (Pension) Department, dated 23-06-1994.

⁸ Rule 49(13)(b)(ii), for the words "but shall not include son or daughter born after retirement", the words "and such son or daughter born after retirement, on or after the 1st January 1979" substituted - G.O.Ms.No.582, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.

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¹[(iii) father and mother [including step mother] in the case of unmarried Government servants.]

²[(iii) ³[legally adopted son and daughter, father], failing which the mother, in the case of unmarried Government servant subject to the condition that such person declares to be dependent on the deceased Government servant.]

(c) "pay" means the emoluments as specified in rule 30.

Provided that in a case in which average emoluments as referred to in rule 31 are treated as emoluments for the purpose of Death-cum-Retirement Gratuity referred to in rule 45, such average emoluments shall be treated as pay:

⁴[Provided further that if the emoluments of the deceased Government servant have been reduced during the last ten months of his service other than as penalty, the average emoluments as referred to in rule 31 shall be treated as pay.]

NOTE.1 One half of deputation (Duty) allowance while on deputation to other Government shall also be taken into account as pay for the purpose of this rule.

⁵[NOTE.2 Pay drawn by a Government servant appointed under rule 10 (a) (i) or rule 39 (a) (i) of the General Rules for the Tamil Nadu State and Subordinate Services shall not be reckoned as pay for the purpose of this rule.]

⁶[(13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension, or invalid pension is governed for the grant of ordinary family pension under military rules and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension under this rule or the family pension already authorized under military rules be governed as follows:-

(a) if he dies, while holding a civil post, his family shall be allowed family pension under this rule, or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family;

(b) if he has an appointment to a civil service or post, opted to retain military pension for the past military service and -

¹ Rule 49(13)(b)(iii) the words "including step mother" inserted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28-12-1983.

² Rule 49(13)(b)(iii) substituted - G.O.Ms.No.581, Finance (Pension) Department, dated 06-09-1996 with effect from 1st January 1979.

³ Rule 49(13)(b)(iii) for the word "Father", the words "legally adopted son and daughter, father" substituted - G.O.Ms.No.337, Finance (Pension) Department, dated 07-09-2001 with effect from 1st January 1979.

⁴ Second Proviso to Rule 49(13)(c) added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.

⁵ Note-2 Under Rule 49(13)(c) omitted - G.O.Ms.No.752, Finance (Pension) Department, dated 02-09-1994 with effect from 1st January 1979.

⁶ Rule 49(13-A) inserted - G.O.Ms.No.22, Finance (Pension) Department, dated 06-01-1996.

- (i) retires from the civil re-employment without earning any pension therefor, his family shall be entitled for family pension as authorized at the time of his retirement or discharge from the military service;
- (ii) retires from the civil re-employment after becoming eligible for pension therefor, he shall exercise an option at the time of applying for pension for the civil service either to be governed by family pension under this rule or to avail of family pension benefits, as authorized at the time of his retirement or discharge from the military service and such option once exercised shall be final.
- (c) if on appointment to a civil service or post, he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under this rule.]

¹[(13-B) Family pension admissible under this rule shall not be granted to a person who is already in receipt of family pension or is eligible therefor under any other pension rules:

Provided that a person, who is otherwise eligible for family pension under this rule, may opt to receive family pension under this rule if he forgoes family pension admissible from any other rules.]

(14) Nothing contained in this rule shall apply to –

- (a) a re-employed Government servant who had retired before the 1st April 1964, from –
 - (i) Civil Service on retiring pension or superannuation pension or
 - (ii) Military service on retiring pension, service pension or invalid pension and who on the date of re-employment had attained the age of superannuation applicable to the post in which he is re-employed.
- (b) a military pensioner who has retired from military service on or after the 1st April 1964 or retires from such service after the commencement of these rules on retiring pension, service pension or invalid pension and is re-employed in a civil service or post before attaining the age of superannuation.
- (c) A Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or any other body, incorporated or not, is sanctioned pension under rule 34.

²[49-A. *Benefits to the family of a disappearing Government servants.*—When a Government servant disappears leaving his family, the family of such Government servant shall be entitled immediately for the payment of dues of salary,

¹ Rule 49(13-B) and Proviso inserted - G.O.Ms.No.23, Finance (Pension) Department, dated 06-01-1996.

² Rule 49-A inserted - G.O.Ms.No.540, Finance (Pension) Department, dated 05-07-1995 with effect from 4th June 1987.

leave encashment, General Provident Fund and Special Family Pension-cum-Gratuity and after lapse of a period of ¹[two years] of such disappearance, for the payment of dues of Death-cum-Retirement Gratuity and Family Pension in accordance with the nomination made by such Government servant, subject to the following conditions, namely:-

- (i) a complaint must have been lodged with the police station concerned and a report obtained that the Government servant has not been traced despite all efforts made by the police; and
- (ii) an Indemnity Bond must have been executed by the nominee or dependents of the such Government servant to the effect that all payments shall be adjusted against the payment due to the such Government servant in case he appears later and makes any claim.]

²[Explanation: The date of disappearance of the Government servant shall be reckoned from the date on which the complaint is lodged with the police.]

³[49-B. *Family pension in certain cases not to be governed by the Family Pension Rules, 1964.*- Where a Government servant who is not governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964 dies,-

- (a) after completion of not less than one year continuous service; or
- (b) after retirement from service, the family of the deceased Government servant shall be entitled to a family pension at a flat rate of Rs.100/- per mensem.

(2) Any member of the family of the deceased Government servant, who is in receipt of a family pension under any rules in force prior to the 1st April 1964, may exercise his option to receive family pension under the said rules or under sub-rule (1).

(3) Every member of the family of the deceased Government servant, who opts to continue to be governed by the old rules, shall be paid a family pension determined by taking together the family pension and dearness allowance thereon paid to him immediately before the 1st April 1979.

(4) The conditions of eligibility for family pension specified in rule 49 shall apply *mutatis mutandis* in respect of the family pension under sub-rule (1).]

50. Non-contributory family pension.- (1) The provisions of this rule shall apply to the Government servant who was in service on the 31st March 1964 and has specifically opted for the scheme of family pension (hereinafter referred to in this rule

¹ Rule 49-A, for the words "one year", the words "two years" substituted - G.O.Ms.No.541, Finance (Pension) Department, dated 05-07-1995 with effect from 22nd January 1991.

² Explanation to Rule 49-A added - G.O.Ms.No.448, Finance (Pension) Department, dated 12-10-1999 with effect from 9th April 1991.

³ Rule 49-B inserted - G.O.Ms.No.744, Finance (Pension) Department, dated 22-09-1995 with effect from 1st April 1979.

as non-contributory family pension) admissible under the Liberalised Pension Rules 1960.

(2) A non-contributory family pension shall be granted for a period not exceeding ten years to the family of a Government servant who dies while in service after completion of not less than twenty years qualifying service.

Provided that the Government may, in exceptional circumstances, grant such pension to the family of a Government servant who dies while in service after completion of not less than ten years qualifying service;

NOTE.— A case shall be considered as “Exceptional” if the amount receivable by the family by way of Insurance, Provident Fund and Death-cum-Retirement Gratuity of the deceased Government servant together does not exceed 48 times the monthly pay of the officer at the time of his death.

Provided further that the period of payment shall in no case, extend beyond a period of five years from the date on which the Government servant would have retired in the normal course on superannuation pension.

Explanation.— Where a Government servant dies while on extension of service the date up to which extension of service had been granted to him before his death shall be construed as the date on which the Government servant would have retired on superannuation pension.

(3) (a) The amount of non-contributory family pension payable under sub-rule (2) shall be one-half of the superannuation pension which would have been admissible to the Government servant had he retired on the date following the date of his death.

(b) The amount of non-contributory family pension payable under sub-rule (3) shall be of one-half of the pension sanctioned to the Government servant at the time of his retirement and if the pensioner had, before his death, commuted a part of his pension, the commuted part of the pension shall be deducted from the amount of non-contributory family pension:

Provided that the amount of non-contributory family pension payable under clause (a) or clause (b) shall be subject to a maximum of one hundred and fifty rupees per month and a minimum of fifty rupees per month;

Provided further that where the amount of non-contributory family pension is less than fifty rupees per month the difference shall be made good by the grant of further increase in the amount of non-contributory family pension.

(4) No non-contributory family pension shall be payable under this rule—

(a) to a person mentioned in clause (b) of sub-rule (5) without production of reasonable proof that such person was dependant on the deceased Government servant for support;

(b) to an unmarried female member of a Government servant's family, in the event of her marriage;

(c) to a widowed female member of a Government servant family in the event of her re-marriage and

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- (d) to a brother of a Government servant, on his attaining the age of eighteen years; and
- (e) a person who is not a member of a Government servant's family.

(5) (a) Except as may be provided by nomination under sub-rule (6), the non-contributory family pension sanctioned under this rule shall be payable-

- (i) to the widow and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant.

NOTE.- The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their age;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son,
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter.
- (iv) Failing the above, to be eldest surviving widowed daughter.

(b) if there are no surviving members of the family as in clause (a), the non-contributory family pension may be granted:-

- (i) to the father;
- (ii) failing (i) above, to the mother;
- (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years;
- (iv) failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister ;
- (v) failing the above, to the eldest surviving widowed sister.

(6) (a) A Government servant, shall, on his confirmation in a service or post, make a nomination in Form 4 indicating the order in which a non-contributory family pension should be paid to the members of the family and, to the extent it is invalid, the non-contributory family pension shall be payable in accordance with such nomination.

Provided that the persons concerned satisfy the requirements of sub-rule (4) on the date from which such non-contributory pension may fall due.

(b) In case the person concerned does not satisfy the requirements of sub-rule (4), the non-contributory family pension shall be granted to the person next lower in the order shown in the nomination.

(c) The provisions of sub-rules(5),(7) and (8) of the rule 48 shall apply in respect of nominations made under this sub-rule.

(7) (a) A non-contributory family pension granted under this rule shall not be payable to more than one member of a Government servant's family at the same time.

(b) If the non-contributory family pension granted under this rule ceases to be payable on account of death or marriage of the recipient or other causes, it shall be re-granted to the person next lower in the order mentioned in sub-rule (5) or to the person next lower in the order shown in the nomination made under sub-rule (6) as the case may be, who satisfied the other provisions of this rule.

(8) A non-contributory family pension sanctioned under this rule shall be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of Government servant family.

(9) Where non-contributory family pension is granted under this rule to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

(10) For the purpose of this rule, the expression 'family' in relation to a Government servant means, the family as defined in clauses (I) to (VIII) of sub-rule 6 of 45.

(11) Nothing contained in this rule shall apply to a Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is sanctioned pension under rule 34.

¹[50-A. *Dearness Allowance on Pension and Family Pension.*- (i) Allowance against price rise may be granted to the pensioners and family pensioners in the form of dearness allowance at such rates and subject to such conditions as the Government may specify, from time to time.

[(ii) If a pensioner is re-employed under the Central Government or a State Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund, he shall not be eligible to draw dearness allowance on pension during the period of such re-employment.

(iii) Dearness allowance is also not admissible during the pensioners stay abroad.

(iv) The State Government employees who got permanently absorbed and who elects for lump sum amount in lieu of pension in terms of rule 35, shall not be eligible for dearness allowance.] (till 22nd February 1998)

²[(ii) If a pensioner is re-employed under the Central Government or a State Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund in India or abroad, he shall not be eligible to draw dearness allowance on pension during the period of such re-employment.

³[Provided that in the case of re-employment in a post on fixed pay or time scale of pay, where dearness allowance is allowed, dearness allowance on pension shall be suspended and in all other cases of re-employment where no dearness

¹ Rule 50-A inserted - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.

² For Rule 50-A(ii), (iii) and (iv), the Rule 50-A(ii) and (iii) substituted - G.O.Ms.No.496, Finance (Pension) Department, dated 15-09-1998 with effect from 23rd February 1998.

³ Rule 50-A(ii) Proviso added - G.O.Ms.No.326, Finance (Pension) Department, dated 30-08-2001 with effect from 30th August 2001.

allowance is allowed, in addition to remuneration, dearness allowance on pension shall be allowed subject to the limit of emoluments drawn at the time of retirement.]

(iii) The State Government employees who get permanently absorbed and who elects for lump sum amount in lieu of pension in terms of rule 35, shall not be eligible for dearness allowance.]

¹[(iv) In the case of pensioners / family pensioners who are in receipt of more than one pension, the dearness allowance where admissible shall be calculated on the total of all pensions taken together.]

²[Provided that dearness allowance on provisional pension, as provided in rules, 60, 66 or 69, shall be granted to the Government servant who is permitted to retire on attaining the age of superannuation or otherwise without prejudice to the disciplinary proceeding pending against him under sub-rule (2) of rule 9.]

³[50-B. *Medical Allowance for pensioner and family pensioner.*- Pensioner including family pensioner shall be paid medical allowance of [Rs.15/-] ⁴[Rs.30/-] ⁵[Rs.50/-] ⁶[Rs.100/-] per mensem along with monthly pension or monthly family pension as the case may be in lieu of medical reimbursement scheme.

Explanation: For the purpose of this section the term "pensioner" includes pensioner under the All India Services (Death-cum-Retirement Benefits) Rules, 1958 who has opted for the State medical reimbursement.]

⁷[Provided that the family pensioner whose spouse died before attaining superannuation and who desires to avail medical allowance in lieu of medical reimbursement scheme till the normal date of retirement of the deceased Government servant shall give option thereof within two months from the date of receipt of family pension.]

¹ Rule 50-A(iv) added - G.O.Ms.No.74, Finance (Pension) Department, dated 01-03-1999.

² Proviso to Rule 50-A added - G.O.Ms.No.689, Finance (Pension) Department, dated 05-11-1996 with effect from 23rd December 1992.

³ Rule 50-B and Explanation inserted - G.O.Ms.No.877, Finance (Pension) Department, dated 25-10-1994 with effect from 1st September 1986.

⁴ Rule 50-B for the expression "Rs.15/-" the expression "Rs.30/-" substituted - G.O.Ms.No.446, Finance (Pension) Department, dated 06-06-1995 with effect from 1st April 1994.

⁵ Rule 50-B for the expression "Rs.30/-" the expression "Rs.50/-" substituted - G.O.Ms.No.130, Finance (Pension) Department, dated 20-03-1997 with effect from 1st December 1995.

⁶ Rule 50-B for the expression "Rs.50/-" the expression "Rs.100/-" substituted - G.O.Ms.No.488, Finance (Pension) Department, dated 07-10-2009 with effect from 1st June 2009.

⁷ Rule 50-B Proviso added - G.O.Ms.No.445, Finance (Pension) Department, dated 06-06-1995 with effect from 1st June 1989.

CHAPTER - VII

APPLICATIONS FOR AND SANCTION OF PENSIONS

51. Preparation of list of Government servant's due for retirement.-

(1) Every Head of the Department shall have a list prepared every six months that is, on the 1st January and the 1st July each year of all ¹[self drawing and non-self drawing Government servants] who are due to retire within the next ²[24 to 30 months] of that date.

(2) A copy of every list referred to in sub-rule (1) 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 servant retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement become; known to him.

NOTE:- Pension application should not be treated as papers which may be dealt with in ordinary course; but their disposal as well as subsequent references, if any, from the Accountant-General or any other Officer should be regarded as urgent.

52. [Intimation to the Department in-charge of the building regarding issue of 'No Demand Certificate']- The Head of the Department or the Head of Office shall write to the Department in charge of building at least one year before the anticipated date of retirement of a Government servant who is in occupation of a Government accommodation, for issue of 'No Demand Certificate' so that the sanction of pension and gratuity is not delayed and the necessary Government dues are realised within the period specified in sub- rule (3) of rule 71.] (till 19th November 1985)

³[Intimation to the Department in-charge of the building regarding issue of 'No Demand Certificate']- The Head of the Department or the Head of Office shall write to the Department in charge of building at least two years before the anticipated date of retirement of a Government servant who is in occupation of a Government accommodation for issue of 'No Demand Certificate' so that the sanction of pension and gratuity is not delayed and the necessary Government dues are realised within the period specified in sub- rule (3) of rule 71. On receipt of such intimation, the Head of the Department or the Head of Office shall inform at least eight months before the date of retirement, the amount of rent for such Government accommodation recoverable from such Government servant.]

53. Submission of application for pension.- Every Government servant shall submit in writing an application for pension in Form 5.

¹ Rule 51(1) for the words "gazetted and non-gazetted Government servants", the words "self drawing and non-self drawing Government servants" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 51(1) for the expression "12 to 18 months", the expression "24 to 30 months" substituted - G.O.Ms.No.1110, Finance (BG-III) Department, dated 11-12-1980.

³ Rule 52 substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

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Provided that a ¹[self-drawing Government servant] shall send his application direct to the Audit Officer and [non-self drawing Government servant] to the Head of Office.

(2) Every Government servant shall submit his application for pension at least one year in advance of the date of his anticipated retirement;

Provided that-

- (i) in a case in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled; and
- (ii) a Government servant, proceeding on leave preparatory to retirement in excess of one year, shall submit the application at the time of proceeding on such leave.

54. [Gazetted Government servants drawing pay on establishment bills and other Government servants holding gazetted posts in officiating capacity.- (1) A gazetted Government servant whose pay and allowance are drawn by the Head Office on establishment bills shall be treated as a non-gazetted Government servant. Such Government servant shall submit his application for pension to the head of office and the procedure laid down in Rule 61 to 69 (both inclusive) shall apply to him.]

²**[Self-drawing Government servants drawing pay on establishment bills and other Government servants holding self-drawing posts in officiating capacity-**(1) A self-drawing Government servant whose pay and allowance are drawn by the Head of Office on establishment bills shall be treated as a non-self-drawing officers. Such Government servant shall submit his application for pension to the Head of Office and the procedure laid down in Rule 61 to 69 (both inclusive) shall apply to him.]

(2) In the case of a Government servant holding a lien or a suspended lien on a ³[non-self drawing] post and holding a [self-drawing] post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer at least one year in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a [gazetted] self-drawing post only during the last year of his service, after verifying that the certificate of verification relating to [non-gazetted] non-self drawing service has been recorded and that the service book is complete in all respects.

55. [Authority competent to sanction pension.--(a) The Head of the Department or any other authority competent to make appointment to the post substantively held by the retiring Government servant shall be competent to sanction pension and gratuity.] (till 16th August 1987)

¹ Rule 53(1) in the Proviso, for the words "gazetted Government servant" and "non-gazetted Government servant", the words "self drawing Government servant" and "non-self drawing Government servant" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 54(1) substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

³ Rule 54(2) for the words "gazetted" and "non-gazetted", wherever they occur, the words "self drawing" and "non-self drawing" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

¹[*Authority competent to sanction provisional pension, etc.--* (1) The Government in the case of Head of Department, the Head of the Department in the case of self-drawing officers except Head of Department, the Head of Office in the case of non-self drawing officers, shall be competent to sanction provisional pension or Death-cum-Retirement Gratuity.

(2) The Government shall be competent to sanction family pension or Death-cum-Retirement Gratuity to the family of a Government servant whose whereabouts are not known.

(3) In other cases, Government or the Head of the Department or the Head of Office, as the case may be, shall send the pension papers to the Accountant General straightaway. A "No disciplinary case Certificate" shall be sent to the Accountant General one month before retirement of a Government servant. If there is any disciplinary case pending against him, it shall also be intimated to the Accountant General one month before retirement.]

56. Revision of pension after sanction. - (1) Subject to the provisions of rules 8 and 9, pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of clerical error subsequently and where it is found to be in excess of the amount finally assessed by the Audit Officer:

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the pension sanctioning authority without the sanction of the Government if the clerical error is detected after a period of two years from the date of sanction of pension.

(2) For the purposes of sub-rule (1) the Government servant concerned shall be served with a notice by the pension sanctioning authority, requiring him to refund the excess payment of pensions within a period of two months from the date of receipt of notice by him.

(3) In case the Government servant fails to comply with the notice, their pension sanctioning authority shall, by order in writing direct that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the said authority may direct.

²[SELF DRAWING GOVERNMENT SERVANTS]

57. Preparation of pension paper. - The Audit Officer concerned shall undertake the work of preparing pension papers in Form 5 ³[two years] before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier. This work shall not be delayed till the Government servant has actually submitted his application for pension.

¹ Rule 55 substituted - G.O.Ms.No.14, Finance (Pension) Department, dated 05-01-1996 with effect from 17th August 1987.

² After Rule 56, for the heading "GAZETTED GOVERNMENT SERVANTS", the heading "SELF DRAWING GOVERNMENT SERVANTS" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

³ Rule 57, for the words "one year", the words "two years" substituted - G.O.Ms.No.276, Finance (BG-III) Department, dated 20-04-1981.

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NOTE-- (1) In this rule and in rules 58, 59 and 60 the expression "Government servant" means a gazetted Government servant other than a gazetted Government servant referred to in sub-rule (1) of rule 54.

NOTE-- (2) Where the office of the authority competent to sanction pension to a retiring Government servant is situated in the circle of an Audit Officer other than the Audit Officer who audits the pay and allowances of such retiring Government servant immediately before his retirement, the latter, Audit Officer shall be the Audit Officer for the purpose of this rule.

58. Further action to sanction pension.-(1) (a) The Audit Officer concerned shall send to every Government servant, under intimation to the Head of the Department, or where their retiring Government servant is himself the Head of the Department, to the Administrative Department concerned, the application for pension in Form 5 one year in advance of the date on which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier with the request that it should be returned to him duly completed within a period of ¹[six months], from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement.

(b) The Audit Officer shall also draw the attention of the retiring Government servant to the provisions of rule 78.

(2) On receipt of a copy of application for pension from the Audit Officer, the retiring Government servant shall return it duly completed to the Audit Officer within the period mentioned in sub-rule (1) under intimation to the Head of the Department or the Administrative Department if he is himself the Head of the Department.

(3) (a) The Head of the Department or the Administrative Department shall communicate the orders of the pension sanctioning authority to the Audit Officer in Form 5 within a period of ²[six months] from the date of receipt of the intimation referred to in sub-rule (1) but in no case later than the date of retirement of the Government servant.

(b) If the orders of the pension sanctioning authority are not received by the Audit Officer within the period mentioned in clause (a) he shall assume that the retiring Government servant has been allowed full pension or gratuity or both as admissible under the rules.

(c) If, after the communication of the order of sanction to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority.

(d) In case no such event has occurred, a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the Government servant after the despatch of Form 6 mentioned in clause (a) shall be forwarded to the Audit Officer within a week of the date on which the Government servant retires.

¹ Rule 58(3)(a), for the words "three months", the words "six months" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

² Rule 58(3)(a), for the words "three months", the words "six months" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

(4) The Head of Office shall furnish to the Audit Officer at least ¹[two months] before the date of retirement of the Government servant, the following particulars, namely:-

- (a) Government dues recoverable out of the gratuity:-
 - (i) contribution towards contributory family pension, if applicable:
 - (ii) Government dues which have been ascertained and assessed:
 - (iii) Dues to local bodies or to the staff co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act or to the corporation owned/controlled by the Government.
- (b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far.

Provided that the Audit Officer shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 71 the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.

(5) When the Government servant has retired from service a notification in the Official Gazette specifying the actual date of his retirement shall be issued within a week of such date and a copy of every such notification shall be forwarded immediately to the Audit Officer:

Provided that where a notification in the Official Gazette regarding the grant of leave preparatory retirement to a government servant is issued, a further notification that the Government servant 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.

(6) The Audit Officer shall finally assess the pension and gratuity. If the pension is payable in his circle of audit, he shall, after taking into account the orders of the pension sanctioning authority ²[***] and the dues mentioned in sub-rule (4), prepare the Pension Payment Order and order for the payment of gratuity.

Provided that the Pension Payment Orders and order for the payment of gratuity shall not be issued more than a fortnight in advance of the date on which the Government servant is due to retire.

(7) If the pension is payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of the circle who shall arrange payment at the Treasury concerned.

(8) The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly reported to the pension sanctioning authority.

¹ Rule 58(4), for the words "fourteen days", the words "two months" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997.

² Rule 58(6) the expression "and the audit encasement on Section I of Part III of Form 7" omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.

¹(9) (a) The calculation sheet of the Government servant shall be prepared by the Audit Officer in quadruplicate in Form 26.

(b) The Audit Officer, while issuing the authorization shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies to that calculation sheet to each of the following persons, namely;—

- (i) The pensioner along with the pensioner's half of Pension Payment Order;
- (ii) The Pension Disbursing Officer; and
- (iii) The Head of the Department or pension sanctioning authority, as the case may be.

(c) The Head of the Department or Pension Sanctioning Authority, as the case may be, on receipt of the calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in the Register to be maintained for the purpose with proper index.

59. Sanction of anticipatory pension and gratuity.— (1) When a Government servant is likely to retire before his pension or, gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, the Audit Officer shall determine the pension or gratuity or both to which after the most careful summary investigation that he can make without delay, he believes the Government servant to be entitled. He shall then authorise the disbursement of the pension so determined as 'anticipatory pension' not exceeding the maximum admissible and Death-cum-retirement Gratuity restricted to eighty per cent deducting there from the dues mentioned in sub-rule (4) of rule 58. If the pension is payable in England, he shall report the amount payable to the High Commissioner for India in the United Kingdom who will authorise the disbursement of the amount reported or such smaller amount as may be deemed proper.

(2) The amount payable under sub-rule (1) shall be subject to revision on the completion of the detailed investigation and inquiries, if any.

(3) If the amount of pension granted to a Government servant under sub-rule (1) is afterwards found to be in excess of that to which he is entitled under these rules, he shall be called upon to refund such excess in the manner and under the conditions specified in rule 56. If, however, the amount of the gratuity so disbursed proves to be larger than the amount finally assessed, the pensioner shall be required to refund the excess actually disbursed to him.

60. Provisional pension where departmental or judicial proceeding ²[or enquiry by the Director of Vigilance and Anti-corruption] may be pending.— (1) (a) In respect of a Government servant, referred to in sub-rule (4) of rule 9, the Audit Officer shall authorise the payment of provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service up to the date of retirement of the Government servant.

¹ Rule 58(9) added — G.O.Ms.No.880, Finance (Pension) Department, dated 25-10-1994 with effect from 5th May 1988.

² Rule 60, in the marginal heading, after the words "judicial proceedings", the words "or enquiry by the Director of Vigilance and Anti-corruption" inserted — G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.

(b) The provisional pension shall be authorised by the Audit Officer during the period commencing from the date of retirement to the date on which, upon conclusion of the departmental or judicial proceedings ¹[or enquiry by the Director of Vigilance and Anti-corruption], final orders are passed by the competent authority.

(c) No gratuity shall be authorised to the Government servant until the conclusion of such proceedings and issue of final orders thereon.

²[Provided that no such gratuity, shall be withheld in respect of a Government servant, who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government.]

³[Provided further that where a Government servant, against whom a departmental or judicial proceedings involving pecuniary loss to Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorized after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with un-recovered Government dues if any, of such Government servants, with interest.]

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant 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.

(3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings [or enquiry by the Director of Vigilance and Anti-corruption].

⁴[NON-SELF DRAWING GOVERNMENT SERVANTS]

61. Preparation of pension paper.- (1) Every Head of office shall undertake the work of preparing pension papers in Form 5 ⁵[two year] before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement whichever is earlier. The work shall not be delayed till the Government servant has actually submitted his application in writing for pension in Form 5.

¹ Rule 60(1)(b) and 60(3), after the words "judicial proceedings", the words "or enquiry by the Director of Vigilance and Anti-corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.

² First Proviso to Rule 60(1)(c) added - G.O.Ms.No.286, Finance (Pension) Department, dated 07-04-1995 with effect from 04th July 1988.

³ Second Proviso to Rule 60(1)(c) added - G.O.Ms.No.287, Finance (Pension) Department, dated 07-04-1995 with effect from 16th October 1991.

⁴ After Rule 60, for the heading "NON-GAZETTED GOVERNMENT SERVANTS", the heading "SELF DRAWING GOVERNMENT SERVANTS" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

⁵ Rule 61(1), for the words "one year", the words "two years" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

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(2) (a) The Head of Officer shall send to every Government servant the application for pension in Form 5 one year in advance of the date on which the Government servant, attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of ¹[six months] from the date of issue of intimations to the Government servant by him but in no case later than the actual date of retirement.

(b) The Head of Office shall also draw attention of the retiring Government servant to the provisions of rule 78.

²[NOTE- In this rule and in rules 62 to 69 (both inclusive), the "Government servant" means a non-self drawing Government servant whose pay and allowances are drawn by the Head of Office on establishment Bills.]

62. Verification of service. - (1) The Head of Office shall prepare in [Section I of] Part II of Form 5 a statement of the Government service.

(2) (a) The Head of Office shall go through the service book and the service roll, if any, of the Government servant and satisfy himself as to whether the annual certificates of verification for the entire service are recorded therein.

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

(3) If the service for any period is not capable of being verified in the manner specified in sub-rule (2), that period of service having been rendered by the Government servant in another office or department, a reference shall be made to the Head of that office, or, as the case may be. Head of that department in which the Government servant is shown to have served during that period for the purpose of verification.

(4) (a) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-rule (2) or sub-rule (3), the Government servant shall 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 the 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.

(b) The authority competent to sanction pension to that Government servant shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service admit, if satisfied, that portion of service as having been rendered for the purposes of calculating the pension of that Government servant.

63. Completion of pension papers. - (1) After completing the service statement mentioned in rule 62, the Head of office shall complete Part I and II of

¹ Rule 61(2)(a), for the words "three months", the words "six months" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

² Rule 61 for the Note, substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

Form 5, irrespective of the fact, whether an application for pension has been received from the Government servant or not.

(2) If at the time of completing Part I of Form 5 the said application from the Government servant has not been received, the relevant columns in Part I and II of Form 5 shall be left unfilled and relevant entries made as soon as the said application is received.

64. Forwarding of pension papers to Audit Officer.- (1) (a) After complying with the requirements of rule 63 the Head of office shall certify in Form 5 as to whether the character, conduct and past service of the Government servant are such as to entitle him to the favourable consideration of the pension sanctioning authority.

(b) The Head of office shall also record in Form 5 his opinion as to whether the service claimed has been established and should be admitted or not.

(c) Whether the Head of Office is not the pension sanctioning authority, he shall obtain the orders of such authority in Form 5.

(2) (a) After completing Form 5, Head of office shall send Form 5 in original to the Audit Officer, ¹[not later than six months before the date of retirement of the Government servant], with a covering letter in Form 8 along with the Government servant's service book and service roll, if any, duly completed up-to-date and any other documents relied upon for the verification of the service claimed in such a manner that they can be conveniently consulted.

(b) The Head of office shall retain one copy of each of the above forms for his office record.

(3) Where payment is desired in another circle of audit, the Head of office shall send in duplicate Form 5 to the Audit Officer.

²[(4) (a) The Head of Office shall also prepare calculation sheet of the Government servant in quadruplicate in Form 26 and forward them to the Audit Officer along with the documents specified in clause (a) and sub-rule (2) and the Audit Officer shall certify all the four copies.

(b) The Audit Officer, while issuing the authorization shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies of that calculation sheet to the each of the following persons, namely:-

- (i) The Pensioner along with the pensioner's half of Pension Payment Order;
- (ii) The Pension Disbursing Officer; and
- (iii) The Head of Office or Pension sanctioning authority, as the case may be.

¹ Rule 64(2)(a), after the words "Audit Officer", the words "not later than six months before the date of retirement of the Government servant" inserted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

² Rule 64(4) added - G.O.Ms.No.814, Finance (Pension) Department, dated 30-09-1994 with effect from 27th December 1991.

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(c) The Head of Office or Pension Sanctioning Authority, as the case may be, on receipt of the calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in a Register to be maintained for the purpose with proper index.]

65. Intimation to Audit Officer regarding any event having a bearing on pension.- (1) If, after the pension papers have been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority.

(2) Where the pension papers have been sent to the Audit Officer before the actual date of retirement of the Government servant a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting the service by the pension sanctioning authority to the date of actual retirement together with a copy of the order specifying the date of actual retirement shall be forwarded to the Audit Officer within a week from the date of actual retirement of the Government servant.

(3) The Head of office shall furnish to the Audit Officer, at least ¹[two months] before the date of retirement of the Government servant, the following particulars, namely: -

(a) Government dues recoverable out of the gratuity, before payment is authorised, that is to say-

- (i) contribution towards contributory family pension, if applicable;
- (ii) Government dues which have been ascertained and assessed;
- (iii) dues to local bodies or to the staff co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act or to Corporation owned /controlled by the Government.

(b) Amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far:

Provided that the Head of office shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 71, the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.

²[(4) If the dues, which are not assessed, are wholly or partly due to non-vacation of Government accommodation after retirement, the Head of Office shall, within six months from the date of retirement, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the amount withheld relates to unascertainable dues not connected with the non-vacation of Government accommodation and shall proceed to refund such amount.]

66. Sanction, drawal and disbursement of provisional pension and of gratuity.- (1) After the pension papers of a Government servant have been sent to the

¹ Rule 65(3), for the words "fourteen days", the words "two months" substituted - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

² Rule 65(4) added - G.O.Ms.No.446, Finance (BG.III) Department, dated 30-06-1981.

Audit Officer concerned, the Head of office shall draw full gratuity admissible along with the provisional pension not exceeding the maximum even in the first instance as indicated in Part II of Form 5 and for this purpose adopt the following procedure, namely:-

- (a) he shall issue a sanction letter to the Government servant endorsing a copy thereof to the Audit officer indicating amount of provisional pension along with the full gratuity not exceeding the maximum payable to such Government servant on retirement from service.
 - (b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3) of rule 65;
 - (c) after the issue of the sanction letter he shall draw-
 - (i) the amount of provisional pension; and
 - (ii) the amount of full gratuity not exceeding the maximum admissible after deducting there from the dues mentioned in clause (b) in M.T.C 47-A appended to the Treasury Rules of the Government from the Treasury at which the pay and allowances of the establishment are drawn by him; and
 - (d) he shall obtain from such Government servant on retirement from service a certificate of non-employment as mentioned in sub-rule (6) and append the same to the said form M.T.C. 47-A.
- (2) The Head of office shall take steps to draw and disburse the provisional pension and gratuity to the retired Government servant on the first day of the month following the month in which the Government servant retired from service.
- (3) The payment of provisional pension shall continue for a period of 12 months from the date of retirement of the Government servant unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 68.
- (4) The Head of Office shall inform the Audit Officer-
- (a) as soon as the gratuity has been paid to the retired Government servant; and
 - (b) as soon as the provisional pension has been paid to the retired Government servant for a period of 12 months or for the period extended under the proviso to sub-rule (1) of rule 68, as the case may be.
- (5) If the pensioner desires the payment of provisional pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him through money order or bank draft as the case may be, at his cost.
- (6) (a) A pensioner drawing pension in India is required to append to his bill, a certificate as follows :-
- "I declare that I have not received any remuneration for serving in any capacity, either under Government or under a local fund during the period for which the amount of pension claimed in this bill is due."

(b) in the case of a pensioner permitted to draw pension after re-employment this certificate should be modified according to the facts.

(c) In the case of a pensioner drawing his pension through an agent, who has executed a bond of indemnity, as required by Subsidiary Rule 69 under Treasury Rule 16 of the Tamil Nadu Treasury Code, the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificate.

NOTE (1).- The certificate to be furnished by a ¹[Self drawing Government servant] under the above rule should be modified to cover also non-employment under a Government outside India. For a period of three years from the date of retirement, it should however provide in addition that the pensioner has not accepted employment in commercial or private fields.

NOTE (2).- Rules regarding identification of pensioner payment to agents, transfers in India renewal of pension payment order, lapses and forfeiture and deceased pensioners etc., will be found in the subsidiary rules and instructions under Treasury Rule 16 of the T.N.T.C. Volume I.

67. Drawal of balance of gratuity from Treasury or from Head of Office.-

(1) It shall be open to the Government servant to receive the payment of the balance of the gratuity from the Treasury from which the payment of final pension is desired by him or from the Head of office.

(2) Where a Government servant desires to receive the payment of balance of the gratuity from the Head of office he shall communicate his option in this behalf to the Head of office in writing before the date of his retirement.

(3) The Head of office shall there upon take steps to draw and disburse of the balance of the gratuity after the Audit officer has issued the necessary authority as provided in sub-rule (4) of rule 68.

68. Authorisation of final pension and balance of gratuity by the Audit Officer.- (1) On receipt of the pension papers referred to in rule 64 the Audit Officer shall apply the requisite checks record ²[***] and assess the amount of final pension and gratuity within a period of twelve months from the date of retirement of the Government servant.

Provided that the adjustment of provisional pension and assess the amount aforesaid he shall communicate the fact to the Head of office under intimation to the Treasury Officer concerned and authorise the Head of office to continue to disburse the provisional pension to the retired Government servant for such period as may be specified by the Audit Officer.

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

¹ Rule 66 for the Note (1), for the words "Gazetted Government servant", the words "Self drawing Government servant" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 68(1) the expression "record his audit encasement on Section I of Part II of Form 7" omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.

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

(c) Arrears of pensions, if any in respect of the period for which pension was drawn and disbursed by the Head of office shall also be authorised by the Audit Officer.

(3) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the retired Government servant and if such balance is payable in his circle of audit, the Audit Officer shall prepare an order for its payment.

(4) If the Government servant has opted for receiving the payment of balance of gratuity from the Head of office, the Audit Officer shall issue the necessary authority in this behalf under intimation to the Government servant and the Treasury Officer indicating the amount, if any, which the Head of office shall adjust before making payment to the Government servant.

(5) The fact of the issue of the Pension Payment Order and order for the payment of balance of the gratuity shall be promptly reported to the Head of office and the pension papers which are no longer required shall be returned to him.

(6) The Audit Officer may authorise the payment of balance of the gratuity even during the period of the currency of provisional pension, provided the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the Government servant.

(7) If the final pension and balance of the gratuity are payable in another circle of audit, the Audit Office shall send a copy of Form 5 along with '***' the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity.

Provided that the adjustment of provisional pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the provisional payments were made.

(8) If the amount of provisional pension drawn and disbursed by the Head of Office is found to be in excess of the final pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount out of the balance of the gratuity, if any, or recover the excess amount by short payments of pension payable in future.

(9) If the amount of gratuity disbursed by the Head of office proves to be in excess of the amount finally assessed by the Audit Officer, the pensioner shall be required to refund the excess.

69. Provisional pension where departmental or judicial proceedings² [or enquiry by the Director of Vigilance and Anti-corruption] may be pending.- (1) (3) In respect of a Government servant referred to in sub-rule (4) of 9, the Head of office

¹ Rule 68(7) the expression "his audit encasement and" omitted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.

² Rule 69, in the marginal heading, after the words "judicial proceedings", the words "or enquiry by the Director of Vigilance and Anti-corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.

shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant.

(b) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings ¹[or enquiry by the Director of Vigilance and Anti-corruption] and issue of final orders thereon.

²[Provided that no such gratuity, shall be withheld in respect of a Government servant, who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government.]

³[Provided further that where a Government servant, against whom a departmental or judicial proceedings involving pecuniary loss to Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorized after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with un-recovered Government dues if any, of such Government servants, with interest.]

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant 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 specific period.

(3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of that departmental or judicial proceedings ⁴[or enquiry by the Director of Vigilance and Anti-corruption].

⁵[69-A. *Government servants on deputation.*- In the case of a Government servant who retires from service, while on deputation to the Central Government or other State Government or while on foreign service, action to sanction pension and gratuity in accordance with the provisions of this chapter shall be taken by the Audit Officer or the Head of Office as the case may be, of the authority which sanctioned the deputation of the Government servant to the Central or other State Government or to foreign service.]

⁶[69-B. *Provisional pension for isolated case.*- The pension papers could not be prepared even after following the procedures for sanction of pension, there may be

¹ Rule 69(1)(b), after the words "judicial proceedings", the words "or enquiry by the Director of Vigilance and Anti-corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.

² First Proviso to Rule 69(1)(b) added - G.O.Ms.No.286, Finance (Pension) Department, dated 07-04-1995 with effect from 04th July 1988.

³ Second Proviso to Rule 69(1)(b) added - G.O.Ms.No.287, Finance (Pension) Department, dated 07-04-1995 with effect from 16th October 1991.

⁴ Rule 69(3), after the words "judicial proceedings", the words "or enquiry by the Director of Vigilance and Anti-corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 2nd May 1988 with effect from 1st January 1979.

⁵ Rule 69-A added - G.O.Ms.No.513, Finance (Pension) Department, dated 25-07-1981.

⁶ Rule 69-B added - G.O.Ms.No.242, Finance (Pension) Department, dated 08-05-1997 with effect from 19th November 1985.

an isolated case. For this purpose, the Head of Office shall without delay take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigation and grant provisional pension not exceeding maximum admissible and Death-cum-Retirement Gratuity as may be determined by the Head of Office. The provisional pension may be continued to be paid by the Head of Office (both in the case of non-self-drawing and self-drawing Government servants) without authorization from the Audit Officer, from the date of retirement till final pension is sanctioned and Pension Payment Order issued by the Audit Officer. Similarly full Death-cum-Retirement Gratuity in the case of non-self drawing Government servants and eighty per cent of the admissible amount in the case of self-drawing Government servants shall be paid.]

GOVERNMENT DUES

70. Recovery and adjustment of Government dues .- (1) It shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement.

(2) Where a retiring Government servant does not clear the Government dues and such dues as ascertainable –

- (a) an equivalent cash deposit may be taken from him; or
- (b) out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Government dues shall be deducted there from.

¹[NOTE 1.-The expression “ascertainable Government dues” includes balance of house building or conveyance advance, arrears of rent and other charges pertaining to occupation of Government accommodation, over-payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961). It also includes dues to the local bodies or to the Staff Co-operative Societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act, 1961 ²[or to the Tamil Nadu Housing Board] or to the Corporation owned / controlled by the State Government.]

²[NOTE 2.- Gratuity shall not be liable to attachment in accordance with the provision of clause (g) of the proviso to sub-section (1) of Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908).]

71. Furnishing of surety by retiring Government servant.- (1) (a) If any of the Government dues other than those referred to in rule 70 remain unrealised and unassessed for any reason, the retiring Government servant may be asked to furnish in Form 9 a surety of suitable permanent Government servant.

(b) if the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.

(2) (a) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him or such portion of gratuity

¹ Rule 70 – Note under rule 70 shall be renumbered as Note 1 and Note 2 added – G.O.Ms.No.763, Finance (Pension) Department, dated 05-09-1994.

² Rule 70(2)(b) under Note, after the words “Tamil Nadu Co-operative Societies Act, 1961”, the words “or to the Tamil Nadu Housing Board” substituted - G.O.Ms.No.655, Finance (Pension) Department, dated 19-06-1985.

payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

(b) The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty-five per cent thereof.

(c) where it is not possible to estimate the approximate amount recoverable from the retiring Government servant the amount of deposit to be taken or the portion of gratuity to be withheld shall be limited to ten per cent of the amount of gratuity or one thousand rupees, whichever is less.

(3) (a) Efforts shall be made to assess and adjust the recoverable Government dues within a period not exceeding twelve months from the date of retirement of the Government servant and if no claim is made on Government account against the Government servant within such a period it shall be presumed that no Government claim is outstanding against him.

NOTE (1) In respect of dues pertaining to the occupation of Government accommodation by the Government servant, the period of twelve months shall reckon from the date of retirement, or from the date of complete vacation of the Govt. accommodation whichever is later.

¹[NOTE (2) As regards the dues to Local Body by the retiring Municipal Commissioners such as Personal Advances, quarters rent, electricity charges, telephone charges, etc. the Director of Municipal Administration will call for particulars one year before their retirement and also immediately after retirement and take action for recovery of the dues. In the case of non-remittance of the dues within a period of twelve months from the date of retirement, the Director of Municipal Administration will order recovery from the Death-cum-Retirement Gratuity.]

(b) The Government dues as assessed shall be adjusted against the cash deposit or the amount withheld from the gratuity and the balance, if any, shall be released to the retired Government servant after the expiry of the period referred to in clause (a).

(c) Where the pensioner has furnished a surety, the surety shall be released after the expiry of the period referred to in clause (a) provided the dues assessed up to that time have been recovered.

(4) The Government dues which remain unrealised within the period referred to in clause (a) of sub-rule (3) and such other dues, the claim for which is received after that period shall be recoverable from the retired Government servant.

¹ G.O.Ms.No 2, Finance Department, dated 31st March 1986.

CHAPTER - VIII

SANCTION OF FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY IN RESPECT OF GOVERNMENT SERVANT DYING WHILE IN SERVICE.

72. Payment of family pension and death-cum-retirement gratuity when a ¹[self-drawing Government servant] dies while in service.- (1) Where the Head of Office has received an intimation about the death of a ²[self-drawing Government servant] while in service, he shall communicate the fact to the Audit Officer concerned.

Note:- For the purpose of this rule, [self-drawing Government Servant] means who has drawn pay in the scale of pay the maximum of which exceeds Rs.1,000 and whose pay and allowances are not drawn in Establishment pay bill forms.

(2) On receipt of the information communicated under sub-rule (1), the Audit Officer shall ascertain whether any death-cum- retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant.

(3) (a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 45, the Audit Officer shall ascertain.

- (i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and
- (ii) if the deceased Government servant 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 Audit Officer shall then address the person concerned in Form 10 or Form 11, as may be appropriate, for making a claim in Form 12.

(4) Where the family of the deceased Government servant is eligible for the ³[***] family pension under rule 49:-

- (a) the Audit Officer shall address the widow or widower in Form 13 for making a claim in Form 14 ; and
- (b) where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Audit Officers:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf on the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said form.

¹ Rule 72 in the heading, for the words "gazetted Government servant", the words "self drawing Government servant" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 72 (1) including the Note thereto, for the words "gazetted Government servant", occurring in two places, the words "self drawing Government servant" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

³ Rule 72(4) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

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(5) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 50, the Audit Officer shall ascertain-

- (i) if the deceased Government servant had nominated a member of his family to receive the payment of the non-contributory family pension; and
- (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable.

(b) The Audit Officer shall then address the person concerned in Form 15 or Form 16, as may be appropriate, for making a claim in Form 17.

(6) (a) Notwithstanding anything contained in sub-rules (3) to (5), the Head of office shall furnish to the Audit Officer the following particulars, namely:-

- (i) Government dues recoverable out of the gratuity before payment is authorised that is to say-
 - (A) contribution towards ¹[***] family pension, if applicable;
 - (B) Government dues which have been ascertained and assessed;
- (ii) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far;
- (iii) the orders of the pension sanctioning authority in part III of Form 18;
- (iv) such other particulars including details of the family of the deceased Government servant for the purpose of obtaining claim, as the Audit Officer may require.

NOTE- The amount of gratuity to be held over under sub-clause (ii) shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 71.

(b) If the orders of the pension sanctioning authority are not received by the Audit Officer within a month of the date of death of the Government servant he shall assume that full death-cum-retirement gratuity and non-contributory family pension, if applicable have been sanctioned.

(7) On receipt of the claim or claims, the Audit Officer shall complete Form 18 and finally assess the amount of death-cum-retirement gratuity or family pension or both.

(8) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.

(9) (a) The Audit Officer shall authorise, the payment of gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.

(b) The amount of gratuity held over under sub-clause (ii) of clause (a) of sub-rule (6) shall be adjusted by the Audit Officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the

¹ Rule 72(6)(a)(i)(A) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 71.

(c) If the gratuity is payable in his circle of audit, the Audit Officer shall prepare an order for its payment.

(10) If the family pension and gratuity are payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of gratuity.

(11) The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly reported to the pension sanctioning authority.

¹[(12) If a Government servant against whom disciplinary action is pending or is contemplated in respect of audit objections involving financial losses or other irregularities, dies before final orders are passed in the matter, the audit objections pending against the deceased servant shall be deemed to have been settled on the date of his death and disciplinary proceedings pending or contemplated shall, on the date of his death, be deemed to have been dropped. In such cases, Death-cum-Retirement Gratuity and other retirement benefits due to the family of the deceased Government servant shall not be withheld.]

73. ²[*Authorisation*] of anticipatory gratuity and family pension.- (1) Where the amount of death-cum-retirement gratuity and family pension payable under rule 72 cannot be finally assessed and settled in accordance with the provisions of these rules within a reasonable time, the Audit officer shall determine the gratuity and family pension, which, after the most careful summary investigation that he can make without delay, he believes the claimant to be entitled. He shall after complying with the provisions of sub-rules (9), (10) (11) of rule 72, authorise the disbursement of the family pension so determined as anticipatory family pension not exceeding the maximum admissible and the death-cum-retirement gratuity restricted to eighty per cent of the gratuity so determined as 'anticipatory gratuity'.

(2) The anticipatory family pension and gratuity authorised under sub-rule (1) shall be subject to revision on completion of detailed investigation and inquires, if any.

(3) If the amount of anticipatory family pension granted is afterwards found to be in excess of the final family pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess by short payment of family pension payable in future. If however, the amount of gratuity disbursed proves to be larger than the amount finally assessed by the Audit Officer the pensioner shall be required to refund the excess actually disbursed to him.

¹ Rule 72(12) added - G.O.Ms.No.900, Finance (Pension) Department, dated 04-12-1995 with effect from 25th March 1992.

² Rule 73 in the marginal heading, for the word "Sanction", the word "Authorisation" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

74. Payment of provisional family pension and death-cum-retirement gratuity when a ¹[non-self drawing Government servant] dies while in service.- (1) Where the Head of office has received an intimation about the death of a [non-self drawing Government servant] while in service he shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant.

NOTE.- For the purposes of this rule and rule 75, the expression ²['non-self drawing Government servant'] means, he who draws pay in the scale, the maximum of which is Rs.1,000 and below and whose pay and allowances are drawn in Establishment pay bill forms.

(2) (a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 45, the Head of office shall ascertain-

- (i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and
- (ii) where the deceased Government servant 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 10 or Form 11, as may be appropriate. Who may submit a claim in Form 12.

(3) Where the family of the deceased Government servant is eligible for the ³[***] family pension under rule 49-

- (a) The Head of office shall address the widow or widower in Form 13 for making a claim in Form 14; and
- (b) Where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Head of office.

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(4) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 50, the Head of office shall ascertain-

- (i) if the deceased Government servant had nominated any member of his family to receive the payment of non-contributory family pension; and
- (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist the person to whom the non-contributory family pension may be payable.

¹ Rule 74 in the heading, for the words "non-gazetted Government servant", the words "non-self drawing Government servant" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

² Rule 74 (1) including the Note thereto, for the words "non-gazetted Government servant", occurring in two places, the words "non-self drawing Government servant" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

³ Rule 74(3) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

(b) the Head of office shall, then, address the person concerned in Form 15 or Form 16 as may be appropriate for making a claim in Form 17.

(5) The Head of office shall furnish to the Audit Officer the following particulars regarding the details of Government dues outstanding against the deceased Government servant, namely:-

(a) Government dues recoverable out of that gratuity before payment is authorised that is to say-

(i) contribution towards '[***] family pension if applicable'

(ii) Government dues which have been ascertained and assessed.

(b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far.

NOTE.- The amount of gratuity to be held over shall be determined in accordance with the provisions of clauses (b) and (c) or sub-rule (2) of rule 71.

(6) (a) (i) On receipt of the claims, the Head of office shall complete Form 18 and certify in part III of that Form as to whether the character, conduct and past service of the deceased Government servant were such as to entitle the family to the favourable consideration of the pension sanctioning authority in the matter of grant of death-cum-retirement gratuity and non-contributory family pension (if applicable).

(ii) The Head of Office shall also record in part III of Form 18 his opinion as to whether the service claimed has been established and should be admitted or not.

(iii) Where the Head of Office, is not the pension sanctioning authority, he shall obtain the orders of such authority in Form 18.

(b) After completing Form 18, the Head of Office shall send that Form in original to the Audit Officer with a covering letter in Form 19 along with the Government servant's service book and service roll, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed in such a manner that they can be conveniently consulted.

(c) The Head of Office shall retain the copy of the aforesaid Form for his office record.

(d) If the payment is desired in another circle of audit, Form 18 shall be sent in duplicate to the Audit Officer.

²[(6-A) (a) The Head of Office shall also prepare the calculation sheet of the deceased Government servant in quadruplicate in Form 27 and forward them to the Audit Officer, along with the documents specified in clause (b) of sub-rule (6) and the Audit Officer shall certify all the four copies.

(b) The Audit Officer, while issuing the authorization, shall retain one copy of such calculation sheet for his office record and forward the remaining such three certified copies of that calculation sheet to each of the following persons, namely:-

¹ Rule 74(5)(a)(i) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

² Rule 74 (6-A) added - G.O.Ms.No.845, Finance (Pension) Department, dated 11-10-1994 with effect from 12th May 1987.

(i) The Family Pensioner;

(ii) The Pension Disbursing Officer; and

(iii) The Head of Office or Pension Sanctioning Authority, as the case may be.

(c) The Head of Office or Pension Sanctioning Authority, as the case may be, on receipt of the calculation sheet from the Audit Officer, shall keep it in safe custody after making necessary entries in a Register to be maintained for the purpose with proper index.]

(7) After the documents referred to in ¹[sub-rules (5), (6) and (6-A)] have been sent to the Audit Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and full gratuity as indicated in Part I of Form 18 and for this purpose adopt the following procedure, namely:-

(a) he shall issue a sanction letter in favour of the claimant or claimants endorsing a copy thereof to the Audit Officer indicating the amount of provisional family pension and full gratuity payable under these rules;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (5);

(c) after issue of the sanction letter, he shall draw-

(i) the amount of provisional family pension; and

(ii) the amount of full gratuity after deducting therefrom the dues mentioned in clause (b) ; from the Treasury at which the pay and allowance of the establishment are drawn by him.

(8) The Head of Office shall disburse the provisional family pension and gratuity to the claimant or claimants on or after the first day of the month following the month in which the Government servant died.

²[(9) The payment of provisional family pension shall continue till final family pension is authorized by the Audit Officer provided there is a clear title as regards legal heirs.]

(10) The Head of Office shall inform the Audit Officer-

(a) as soon as the gratuity has been paid to the claimant or claimants; and

(b) as soon as the provisional family pension has been paid for a period of twelve months, or for the period extended under the proviso to sub-rule (1) of rule 75, as the case may be.

¹ Rule 74 (7) for the expression "sub-rules (5) and (6)" the expression "sub-rules (5), (6) and (6-A)" substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 11-10-1994 with effect from 12th May 1987.

² Rule 74(9) substituted - G.O.Ms.No.411, Finance (Pension) Department, dated 15-10-2001 with effect from 01st January 1979.

(11) If the claimant desires 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 through money order or bank draft at his cost.

¹[(12) If a Government servant against whom disciplinary action is pending or is contemplated in respect of audit objections involving financial losses or other irregularities, dies before final orders are passed in the matter, the audit objections pending against the deceased servant shall be deemed to have been settled on the date of his death and disciplinary proceedings pending or contemplated shall, on the date of his death, be deemed to have been dropped. In such cases, Death-cum-Retirement Gratuity and other retirement benefits due to the family of the deceased Government servant shall not be withheld.]

75. Authorisation of final family pension and balance of gratuity in respect of a deceased ²[non-self drawing Government servant] referred to in rule 74.- (1) On receipt of the documents referred to in sub-rules (5) and (6) of rule 74, the Audit Officer shall within a period of twelve months from the date of death of the ³[non-self drawing Government servant], apply the requisite checks, record his audit enforcement on Section I of Part IV of Form 18 and assess the amount of final family pension and gratuity.

Provided that if the Audit Officer is for any reason unable to assess the amount within the period aforesaid he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorize the Head of Office to continue to disburse the provisional family pension to the claimant ⁴[till final family pension is authorized by the Audit Officer].

(2) (a) If the family pension is payable in his circle of audit, 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 family pension was drawn and disbursed by the Head of Office shall also be authorised by the Audit Officer.

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

(b) The amount of gratuity held over under sub-rule (5) of rule 74 shall be adjusted by the Audit officer against the Government dues ascertained and assessed

¹ Rule 74(12) added - G.O.Ms.No.900, Finance (Pension) Department, dated 04-12-1995 with effect from 25th March 1992.

² Rule 75 in the heading, for the words "non-gazetted Government servant", the words "non-self drawing Government servant" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

³ Rule 75 (1), for the words "non-gazetted Government servants", the words "non-self drawing Government servants" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

⁴ Proviso to Rule 75(1) for the expression "for such period as may be specified by the Audit Officer", the expression "till final family pension is authorized by the Audit Officer" substituted - G.O.Ms.No.411, Finance (Pension) Department, dated 15-10-2001 w.e.f. 01st January 1979.

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subsequently and the balance, if any, shall be released to the claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 71.

(c) If the balance of gratuity is payable in his circle of audit, the Audit Officer shall prepare an order for its payment.

(4) The fact of the issue of the Pension Payment Order and order for the payment of balance of the gratuity shall be promptly reported to the Head of Office and the documents which are no longer required shall be returned to him.

(5) The Audit Officer may authorise the payment of balance of the gratuity even during the period of the currency of provisional family pension:

Provided that the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the deceased Government servant.

(6) If the final family pension and the balance of the gratuity are payable in another circle of audit, the Audit Officer shall send a copy of Form 18 along with the Audit encasement and the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity:

Provided that the adjustment of provisional family pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the Provisional payment were made.

(7) If the amount of provisional family pension and / or death-cum-retirement gratuity drawn and disbursed by the Head of Office is found to be in excess of the final family pension and / or death-cum-retirement gratuity assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount out of the balance of the gratuity, if any, or recover the excess amount by short payment of family pension payable in future.

CHAPTER - IX

SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

76. Sanction of family pension and residuary gratuity on the death of a pensioner.- (1) Where the Head of Office has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner :

Provided that the Head of Office may, when he considers it necessary so to do, consult the Audit Officer.

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of [contributory] family pension under rule 49, the amount of contributory family pension as indicated in the Pension Payment Order shall become payable to the widow or widower as the case may be, from the day following the date of death of the pensioner.

(ii) On receipt of an application from the widow or widower, as the case may be, the Treasury Officer from whom the deceased pensioner was drawing his or her pension shall authorise the payment of ¹[***] family pension to the widow or widower, as the case may be.

(b) (i) where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 14 to the Head of Office for the payment of [contributory] family pension provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(ii) On receipt of a claim ²[under sub-clause (i) above], the Head of Office shall sanction the contributory family pension in Form 20.

(c) (i) Where a widow or widower in receipt of contributory family pension remarries and has, at the time of remarriage, a child or children from the former spouse who is or are eligible for [contributory] family pension the remarried individual shall be eligible to draw the [contributory] family pension on behalf of such child or children if such individual continues to be the guardian of such child or children

(ii) For the purpose of sub-clause (i), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely:-

(A) A declaration that the applicant continues to be the guardian of such child or children;

(B) The date of remarriage;

¹ Rule 76(2) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

² Rule 76(2)(b)(ii) for the expression "from the guardian", the expression "under sub-clause (i) above" substituted - G.O.Ms.No.134, Finance (BG-III) Department, dated 09-03-1981.

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- (C) The name and date of birth of the child or children from the former spouse;
- (D) The treasury from where payment of [contributory] family pension on behalf of such child or children is desired;
- (E) Full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children the contributory family pension shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in Form 14 to the Head of Office for the payment of [contributory] family pension.

(iv) On receipt of the claim referred to in sub-clause (iii) the Head of Office shall sanction [contributory] family pension in Form 21.

(d) (i) Where a widow or widower in receipt of [contributory] family pension dies and leaves behind a child or children who is or are eligible for [contributory] family pension, the guardian may submit a claim in Form 14 to the Head of Office for the payment contributory family pension:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form.

(ii) On receipt of a claim under sub-cause (I) above the Head of Office shall sanction contributory family pension in Form 21.

(3) (a) In case the deceased pensioner was governed by the non-contributory family pension and his death had taken place within five years of his retirement, the non-contributory family pension shall become payable to the eligible member of the family of the deceased pensioner as provided in rule 50 for the unexpired period of five years from the date of retirement of the deceased.

(b) On receipt of a claim in Form 17 from such member, the Head of Office shall sanction the non-contributory family pension for the unexpired period aforesaid.

(4) Where on the death of a retired Government servant a residuary gratuity become payable to the family of the deceased under sub-rule (2) of rule 45, the Head of Office shall sanction his payment on receipt of a claim or claims in Form 22 from the person or persons eligible to receive the residuary gratuity.

77. Authorisation of payment by Audit Officer.- On receipt of the sanction under rule 76 regarding the payment of family pension or of residuary gratuity or of both, the Audit Officer shall authorise the payment of the same.

CHAPTER - X

PAYMENT OF PENSIONS

78. Date from which pension becomes payable.- (1) Except in the case of a Government servant to whom the provision of rule 34 apply and subject to the provisions of rule 9, 60 and 69 a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

¹[The pension of a Government servant who under rule 38 has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.]

²[***]

(2) Pension including family pension shall be payable for the day on which its recipient dies.

³[**79. Currency in which pension and gratuity is payable.-** All pensions including gratuities admissible under these rules shall be payable in rupees in India only.]

80. Manner of payment of gratuity and pension.- (1) Except as otherwise provided in these rules a gratuity shall be paid in lump sum.

[(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.] (*Up to 16th August 1986*)

⁴[(2) Pension including family pension fixed at monthly rates shall be payable monthly and such pension shall be paid on the last working day of the month.

Provided that such pension for the month of March shall be payable on the first working day of the month of April.]

81. Application of Treasury Rules.- Save as otherwise provided in these rules, the treasury rules of the Government shall apply in regard to the procedure of payment.

(i) of gratuity

(ii) of pension.

(iii) of pension undrawn for more than a year and

(iv) of pension in respect of a deceased pensioner.

¹ Rule 78(1) Second Paragraph substituted - G.O.Ms.No.1160, Finance (BG.III) Department, dated 31-12-1980.

² Proviso to Rule 78(1) First Paragraph omitted - G.O.Ms.No.165, Finance (BG-III) Department, dated 23-03-1981.

³ Rule 79 substituted - G.O.Ms.No.1160, Finance (BG.III) Department, dated 31-12-1980.

⁴ Rule 80(2) substituted and Proviso added - G.O.Ms.No.753, Finance (Pension) Department, dated 02-09-1994 with effect from 17th August 1987.

CHAPTER - XI

MISCELLANEOUS

82. Power to relax.- Where any Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, the Department, may by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Finance Department.

83. Repeal and Saving.- (1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (hereinafter referred to this rule as the old rule) in force immediately before such commencement shall, in so far as it provided for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such ceaser of operation.—

(a) (i) every nomination for the payment of death-cum-retirement gratuity, or of non-contributory family pension;

(ii) every form regarding the details of family of a Government servant for the purpose of [***] family pension ; and

(iii) Every formal application for the sanction of Pension which a Government servant had made or given under the old rule shall be deemed to have been made or given under the corresponding provisions of these rules ;

(b) any nomination for the payment of death-cum-retirement gratuity, or of non contributory family pension, any form regarding the details of family of a Government servant for the purpose of ¹[***] family pension or any formal application for the sanction of pension, required to be made or given by a Government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules ;

(c) any case which pertains to the sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made ;

(d) any case which pertains to the sanction of death-cum-retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made.

¹ Rule 83(2)(a)(ii) and Rule 83(2)(b) the word "contributory" each omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

(e) subject to the provisions of clauses (c) and (d) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

CHAPTER - XII

**FOREIGN SERVICE, REGULAR ESTABLISHMENTS; THE
COST OF WHICH IS RECOVERED BY ESTABLISHMENT;
SERVICE UNDER LOCAL FUNDS**

84. Service under Local Funds.-(1) Apart from any special provisions made under the following rules, service paid for from a Local Fund does not qualify for pension.

(2) In the case of other Local Funds, the rule that service does not qualify for pension does not prohibit the grant and payment of pensions in conformity with the general terms of the pension rules by the authorised administrators of the funds. But government is in no way responsible for the sanction or continuance of such pension, and no standing order for their payment may be issued to or received by any Government treasury, and the procedure in rules 51, 53, 56-59, 61-68, 70, 71 and 78-80 do not apply to them.

NOTE 1.- All the members of the pensionable establishment of a Government school employed in such school at the time of its transfer to municipal councils will be held to be still rendering service qualifying for pension from Government under sub-rule (7) of this rule.

NOTE 2.- All servants of Government other than those referred to in Note 1 above, transferred from qualifying service to service under a municipal council, are entitled to claim payment by such municipal council, or the usual contribution to Government in order to maintain their claim to pension eventually from State Funds.

(3) Service in the following establishment paid from Local Fund is treated as qualifying service for pension provided that pension for service under the Fund is Paid from the Fund, the rule of proportions being applied in the case of service paid partly from the Fund and partly from other sources. Establishment paid from Port Funds managed by the Government.

NOTE 1.- The transfer of Government servants to service under Local Funds should ordinarily be dealt with under the rules regarding foreign service. The application of the rule of proportions to service partly under a local fund requires the specified sanction of Government who before giving such sanction should satisfy itself that the fund in question is not of a merely temporary character, that it is solvent and able to bear the charge and that the pension can legally be charged to it.

NOTE 2.- Service in establishment paid from the Madras Coast Light Fund qualifies for pension from the 1st April 1904 and service in establishment paid from the Pilotage, Landing, Shipping Fees and Pier Funds, from the 1st April 1905.

NOTE 3.- Rule 1 under this rule is not applicable in the case of a municipal employee for part of whose service contribution was paid under rule sub-rule (5) of this and a pension cannot therefore, be sanctioned which is chargeable to Government and the municipality according to the rule of proportions.

NOTE 4.- The rule of proportions is applied only in cases where officers are transferred in the interest of the service from Government employment to service under Excluded Local Funds and vice versa ; where an

officer is not transferred but resigns the one service to take up other, rule of proportions should not be applied, but separate pension may be given for the different services.

NOTE 5.- When a Government Officer is compulsorily transferred to an appointment paid by a Local Fund and is subsequently dismissed therefrom he has no claim to a pension or gratuity but if Government consider that he is deserving of a compassionate allowance it may award a pension not exceeding that which could have been granted as a compensation pension on the termination of the officer's service under Government.

(4) Any person transferred from a local body in consequences of the transfer of such body to the control of the State Government shall not be entitled to count his previous service under the said body for pension, unless-

- (1) Such service was rendered in a pensionable post or posts and pensionary contributions were being paid on his behalf by such local body; or
- (2) Such person was subscribing to a provident fund maintained by such local body; and
 - (i) such local body agrees to contribute its share of the pension calculated according to the rule of proportion; and
 - (ii) such person agrees to forego the bonus earned by him in respect of his service under the local body.

(5) The administrators of a Local Fund may, with the permission of the Government make a permanent arrangement for contributing for pensions from the Consolidated Fund for its permanent employees or for any specified classes of them by paying to the Government a contribution of one-ninth of the sanctioned salaries of the several appointment.

Provided that-

- (a) the contribution must be paid in full at the beginning of each month by cash or cheque to the nearest Government Treasury. Any default in the payment of the contribution entails forfeiture of the claim against the Government .
- (b) The bills for establishment charges must be subject to audit by the Government with a view to ensuring that health Certificates have been obtained for a new entrant; that the contributions are recovered in respect of the whole establishment sanctioned; and that no employee in any month draws more than the amount sanctioned for the appointment held by him.

Arrear contributions in respect of either individual officer or classes of officers proposed with a view to render past services qualifying cannot be accepted.

No officer or servant of a district board entered in its service on or after the first day of April 1932 shall be eligible to be paid any pension from the fund of the board, nor shall any pensionary contribution be paid on his behalf from such fund. Where an officer or servant of any such board was on

the said date, holding in a post in its service in respect of which pensionary contribution was being paid with the previous sanction of the Government, such contribution shall, unless the Government otherwise direct, continue to be paid so long as the officer or servant continues to hold such post or any other post in respect of which pensionary contribution was being paid with such sanction of the said date. Contribution towards pension will continue to be paid in respect of incumbents whose services are pensionable under this sub-rule in district where a Provident Fund Scheme has been or will be introduced, so long as the individual concerned is in service.

NOTE 1. There is no authority for receiving pensionary contributions, arrear or otherwise, from a local body for individual employees selected from among its establishment. The note in this rule authorizes Government to permit the Administrators of a Local Fund to contribute for pensions from the Consolidated Fund for the whole of its permanent employees or for any specified classes of them. It is intended that the contribution should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference, to the question whether the particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual a pension from Consolidated Fund if the appointment to which he is transferred is one of class for which contributions are paid, whether his previous service under Government was qualifying or not but it will not qualify if the appointment does not belong to such a class.

NOTE 2.- For the purpose of this rule Audit by the Examiner or Local Fund Accounts may be regarded as audit by Government.

NOTE 3.- The reporting on applications for pensions should however, be undertaken by the Accountant-General's Office, and the annual establishment returns should, therefore, be recorded in that office.

NOTE 4.- If an officer, whose service is pensionable under the provisions of this sub-rule, is detached on temporary duty to a non pensionable post or to a post under the same or a different local board which is non-pensionable, under that rule, he counts his detached service under rule 12.

NOTE 5.- Pensionary contribution is payable by the local body concerned on the personal allowances paid to the employees in addition to the contribution fixed for the scales of pay of their posts.

NOTE 6.- Pension payable to local board servants in respect of whom pensionary contribution is recovered under this sub-rule will be based on the pay that would have been drawn by them had the local body not reduced by the pay of those servants as a measure of retrenchment.

(6) An officer who is in qualifying service under Government may be transferred by the Government to service under a Local Fund under the same limitations and conditions as are applicable to transfers to foreign service (see Fundamental Rule 129).

(7) Teachers and other members of the pensionable establishment of a Government school, who are transferred with the school to which they belong for service under local board or municipal council continue to render service qualifying for pension payable by the Government irrespective of the institution in which they are employed on similar duty, provided such institution is under the control of the same local board or municipal council.

NOTE 1.- If the pay of an officer is increased after he is transferred, with the school to which he belongs to service under local boards, the Audit Officer will submit an alternative report as to the pension admissible on the basis of the pay enjoyed at transfer and at retirement, and in each case the Director of Public Instruction will make his recommendations for the grant of the higher or lower pension, as may be deemed suitable for the sanction of Government.

NOTE 2.- The audit staff under the Examiner of Local Fund Accounts shall, at the time of local audit of accounts of local bodies, call for and check the Service Books of teachers and other staff under local bodies, who are eligible for pension under this sub-rule of the Civil Service Regulations and who are likely to retire before the time of the next annual or local audit verify the services rendered by the teachers from independent records maintained in the audit office of local bodies and certify in writing in the service books as to the correctness of the entries made in regard to the teachers and the staff.

(8) If an Officer, whose service is reckoned as pensionable under the provisions under sub-rule (5) is transferred to the similarly pensionable establishment of another Local Fund, the transfer will not interrupt the continuity of service for pension. Transfers may also be made between such service under Local Funds and service in Government establishments.

85. Pensions payable partly by Government and partly by a Local Fund.- When a pension is payable partly by the Government and partly by a Local Fund, the Local Fund concerned may pay the capitalized value (calculated on the basis of the table of commutation values for the pensions applicable to the pensioner, increased by 10 per cent), of its share of the pension to Government which will thereupon accept liability for the payment of the entire pension.

NOTE 1.- When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalized value (calculated according to the Post Office Annuity Table) or its share of the pension into Government Treasury instead of purchasing an annuity from the Post Office.

NOTE 2.- A district Board or municipality may with the previous sanction of Government grant a gratuity as such to any of its servants in lieu of the annuity purchaseable under this article, if the gratuity proposed is not large enough to purchase an annuity of Rs. 2 a month or more.

¹FORM 1.

[See rule 48 (1)]

NOMINATION FOR RETIREMENT / DEATH GRATUITY

When the Government servant has a family and wishes to nominate one person or more than one persons, thereof.

I, ..., hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity, the payment of which may be authorised by the Government of Tamil Nadu in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Original Nominee(s)				Alternative Nominee(s)	
Name and address of the nominee(s).	Relationship with the Government servant.	Age	Amount or Share of Gratuity payable to each*	Name, address relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount of share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

Place :

Date :

Signature of the
Subscriber.

Signature of two witnesses with
Name and Address:

1.

2.

-/ Countersigned /-

Signature of Head of Office.

Office Address:

Note: (i) The Government Employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

(iii) If the Original Nominee(s)/Alternate Nominee(s) is/are minor, furnish the name and address of the person with relationship to the Government Employee to receive the amount.

* This column should be filled in so as to receive the amount.

** The amount / share of the gratuity shown in this column should cover the whole amount / share payable to the original nominee(s).";

¹ Form 1 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.

FORM 2.

[See rule 48 (1)]

NOMINATION FOR RETIREMENT / DEATH GRATUITY

When the Government servant has no family and wishes to nominate one person or more than one persons, thereof.

I, ..., having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity, which having become admissible to me on retirement may remain unpaid on my death.

Original Nominee(s)				Alternative Nominee(s)	
Name and address of the nominee(s).	Relationship with the Government servant.	Age	Amount or Share of Gratuity payable to each*	Name, address relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount of share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

Place :

Date :

Signature of the Subscriber.

Signature of two witnesses
with Name and Address:

1.

2.

-/ Countersigned /-

Signature of Head of Office.

Office Address:

Note: (i) The Government Employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

(iii) If the Original Nominee(s)/Alternate Nominee(s) is/are minor, furnish the name and address of the person with relationship to the Government Employee to receive the amount.

* This column should be filled in so as to receive the amount.

** The amount / share of the gratuity shown in this column should cover the whole amount / share payable to the original nominee(s)."

FORM 3.*[See rule 49(12).]***DETAILS OF FAMILY MEMBERS**

1. Name of the Government Servant :
2. Designation :
3. Date of Birth :
4. Date of Appointment :
5. Details of the Members of my family* as on:

Sl. No.	Name of the Members of the Family	Date of Birth	Relationship with the Government Servant	Initials of the Head of Office.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					

I hereby undertake to keep the above particulars up to date by notifying to the Audit Officer / Head of Office any addition or alteration.

Place:

Signature of the
Government Servant :

Date :

Designation :

Family for this purpose means:-

- (a) Wife, in the case of a male Government Servant .
- (b) Husband, in the case of a female Government Servant .
- (c) Sons below ¹[twenty five years] of age and unmarried daughters below [twenty five years] of age, including such son or daughter adopted legally ²[and also such son or unmarried daughter born through illegitimate wife] ³[before retirement]; and
- ⁴[(d) Father and mother including step mother, in the case of unmarried Government Servant.]

Note – Wife and husband shall include respectively judicially separated wife and husband.

¹ Form 3 for the items (c), for each of the words "eighteen years" and "twenty one", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.

² Form 3 for the items (c), after the words "including such son or daughter adopted legally", the words "and also such son or unmarried daughter born through illegitimate wife" added - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.

³ Form 3 for the items (c), the words "before retirement" omitted - G.O.Ms.No.92, Finance (Pension) Department, dated 07-02-1995 with effect from 22nd June 1994.

⁴ Form 3 for the items "(d) Parents, in the case of unmarried Government servants", substituted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28-12-1983.

FORM 4.

[See rule 50(6).]

NOMINATION FOR NON-CONTRIBUTORY FAMILY PENSION

I.....hereby nominate the persons mentioned below who are member of my family to receive in the order shown below, the non-contributory family pension which may be granted by the Government in the event of my death after completion of ten years qualifying service.

Name and Address of nominee.	Relationship with the Government servant	Age	Whether married or unmarried.
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

The nomination supersedes the nomination made by me earlier on which stands cancelled.

Dated this day of at

Witness to signature:

1.....

2.....

Signature of Government Servant :

Designation :

(To be filled in by the Head of Office/Audit Officer)

Nomination by.....

Designation.....

Office.....

Signature of

Head of Office/Audit Officer.....

Dated:.....

Designation.....

NOTE.- The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

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Pro-forma for acknowledging the receipt of the nomination form by the Head of Office/Audit Officer.

To

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination, dated
.....cancellation dated the of the nomination made earlier in respect of
non-contributory family pension Form

I am to state that it has been duly placed on record.

Signature of Head of Office/Audit Officer, Designation.

Place.....

Dated the.....

FORM 5.*[See rules 53 (1), 55 (h), 57, 58, 58 (1), 61, 61 (1), 63, 64, 64 (2) & (3), 68 (7)]***COMBINED APPLICATION FORM FOR GENERAL PROVIDENT
FUND FINAL CLOSURE AND PENSION****PART-I****FOR RETIREMENT / REVISION CASES ONLY***(To be sent in duplicate)*

1. Name of the Government Employee (IN :
CAPITAL LETTERS).
2. Father's Name / Husband's Name in :
the case of Female Government
Employee.
3. Designation with Selection Grade / :
Special Grade.
4. Religion :
5. P.P.O. No. allotted by A.G's. Office. :
[Applicable only for Revision Cases].
6. G.P.F. No. with Departmental Suffix. :

7. Date of Birth.

8. Date of Joining.

9. Date of Retirement.

10. Present Residential Address with PIN :
Code.

MOBILE No. :
11. Residential Address after Retirement :
with PIN Code.
12. Place of Payment of Pension :
(a) Pension Pay Office
(b) District Treasury
(c) Sub-Treasury
13. Whether the Pension is proposed to be :
commuted. Yes ☐ No ☐
(Tick in appropriate place)?

If Yes, fraction proposed to be : Fraction:
commuted.

14. Are you in receipt of Military Pension? :

Yes ☐ No ☐

15. If Yes, P.P.O.No. and Treasury from which it is drawn may be furnished.

P.P.O.No.	
PPO / District Treasury / Sub-Treasury	

16. If you are in receipt of Military Pension, state whether you opt for Military Family Pension or Civil Family Pension. (Option once exercised is final.)

17. List of Family Members including Wife / Husband.

Sl. No.	Name (s)	Relationship	Marital Status	Date of Birth	Whether Handicapped / Mentally Retarded *

* Medical Certificate to be enclosed.

18. Name of Guardian in case of mentally retarded children.

DECLARATION

I hereby declare that I have neither applied for nor received any Pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and gratuity are claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

I do hereby declare to refund the pension or gratuity authorized by the Accountant General, Chennai, if afterwards found to be in excess of the amount to which I am entitled under the Rules.

I hereby certify to make good any loss caused to the Government by way of any overdrawal of pay, allowances, leave salary or other admitted obvious dues as a result of negligence or fraud on my part in service in the department in a lump sum or in suitable installments from my pension.

Place :

Date :

**Signature of Government
Employee with Date.**

PART-II**TO BE FILLED IN BY THE DEPARTMENTAL OFFICER**

1. A.G's Office Reference No. in which :
the proposals were returned with
objections earlier.
2. Date of Beginning of Service. :
3. Date of Ending of Service. :
4. Gross Qualifying Service. :
5. Non-Qualifying Service. :
6. Additional Qualifying Service under :
Rule 27 / Due to Voluntary
Retirement / Contingent Service /
Military Service.
7. Net Qualifying Service. :
8. Total Period of Military Service and :
Military Pension / Gratuity received.
(Details of remittance to be furnished
separately).
9. Scale of Pay :
10. Pay Last Drawn (Special Pay, Personal :
Pay drawn if any to be shown
separately)
11. Class of Pension applicable :
12. Whether any charges are pending :
against the Government Employee? If
so, furnish the details thereof.
13. Office served in the last three years. :
14. a. Drawing Officer for G.P.F. with Full :
Postal Address and PIN Code.
b. Phone No. of the Office with STD :
Code.
c. e-mail ID / FAX :
15. Treasury / PAO for G.P.F. :

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16. a. Drawing Officer for D.C.R.G. with :
Full Postal Address and PIN Code.
- b. Phone No. of the Office with STD :
Code.
- c. e-mail ID / FAX :
17. Treasury / PAO for D.C.R.G. :
18. Particulars of Last G.P.F. Deduction :
[Last 12 Months Details].

Pay for Month	GPF Sub- scription	Recovery / Refund	Total Amount of Cr. Schedule.	Date & Place of Payment.	Sub-Account of Account	Voucher No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

19. Details of Temporary Advance / Part :
Final Withdrawal sanctioned in the last 12 months (If no debit is drawn in last 12 months, the details of last debit drawn should be specified.

Month	Amount	Voucher No.	Date of Payment
(1)	(2)	(3)	(4)

CERTIFICATE

It is certified that:

1. All the particulars furnished above have been fully verified with reference to office records and are found correct.
2. Advance / withdrawal from GPF was granted during the last 12 months as detailed in Column 18 above.
3. No Charges are pending / Charges are pending against the individual. (Details furnished separately)[@]
4. Provisional Pension not paid / Provisional Pension paid (Details furnished separately)[@]
5. Conditions laid down in Rule 11(2) and Rule 11(3) of the Tamil Nadu Pension Rules, 1978 have been satisfied and the same has been recorded in Service Book.

[@] Strike out whichever is not applicable.

CHECK LIST / LIST OF ENCLOSURES

1. Service Book(s). [No. of Volumes] : [Enclosed / Not Enclosed]
2. Recent Joint Passport size Photo with :
Spouse, Specimen Signature / left hand
thumb impression (in the case of
illiterate) and Descriptive Roll of the
Government Employee, all in triplicate,
duly attested [furnished in the
Annexure].
3. Sanction order in respect of :
Non-Government Aided Educational
Institution cases and Missing
Employee.
4. In case of Teachers, :
Non-Employment/Re-employment
Certificate.
5. Copy of First Information Report in :
respect of Missing Employee.
6. Nomination for General Provident Fund :
(GPF).
7. Nomination for Death cum Retirement :
Gratuity (DCRG).
8. Nomination for Life Time Arrears of :
Pension
9. Nomination for Commutation of :
Pension (in duplicate).
10. Medical Certificate in original in Form :
23 as prescribed in Rule 36 of TNPR for
invalidation cases issued by Medical
Board.
11. Certificate of Medical Opinion of the :
Doctors for admitting Commuted Value
of Pension in the cases of Invalidation
and Compulsory Retirement cases.
12. Ratification Order of Government for :
waiving any shortfall in notice period
due to sanction of Extraordinary Leave
with / without Medical Certificate (in
respect of Voluntary Retirement cases).
13. Military Verification Certificate. :
14. Copy of the Chalan for refund of :
Gratuity received with Interest for
Military Service.

15. Copy of Proceedings issued in the case :
of Compulsory Retirement / Voluntary
Retirement / Invalidation cases.
16. Copy of Government Order imposing :
cut in Pension issued on completion of
Disciplinary Proceedings / Dropping the
Charges.
17. Copy of Adoption Deed, in case of :
adopted children.
18. Copy of Medical Certificate in the case :
of Mentally Retarded Children /
Handicapped Children.

Place :

Date :

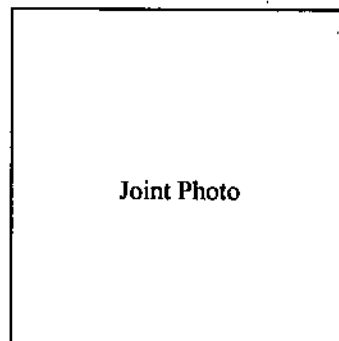
**Signature of the Head of Office
/ Department with Seal.**

INSTRUCTIONS

1. Please send the application in **DUPLICATE**.
2. Please fill up all columns in capital letters.
3. Incomplete application will not be processed.
4. Annual Account Statement of GPF need not be sent.
5. Last Fund deduction particulars mean deduction to GPF before stopping recovery.
6. For arriving at the Commuted value of Pension, dated signature of the Government servant in Part I is compulsory.

ANNEXURE*(To be sent in triplicate)*

1. Joint Passport size Photo of the :
Government Employee with spouse.
(Name of the Government servant and
spouse should be written).



Name of Government Employee :

Name of the Spouse :

**Counter Signature of the Head of
Office with Seal.**

2. Specimen Signature / Left Hand : 1.
Thumb impression in case of
illiterate. 2.
3.

3. Descriptive Roll of Government : 1.
Employee. [Personal Marks of
Identification]. 2:
3.

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¹FORM 5-A

[see rule 48]

NOMINATION FOR LIFE TIME ARREARS OF PENSION

I, ... (Name of the Pensioner in Capital Letters), hereby nominate the person / persons named below under Rule 48 of Tamil Nadu Pension Rules, 1978.

Name and address of the nominee(s).	Relationship with the pensioner.	Date of Birth / Age	Name and address of other nominee in case the nominee under column (1) predeceases the pensioner.	Relationship with pensioner	Date of Birth / Age	Contingency on happening of which nomination shall become invalid.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

NOTE: If nominee / alternate nominee is minor, furnish the name and address of person who may receive the arrears of pension.

Place :
Date :

Signature of the
Subscriber.

Signature of two witnesses with
Name and Address:

- 1.
- 2.

-/ Countersigned -/

Signature of Head of Office.

Office Address:

²FORM 6.

[See rule 55(b) 58, 64 and 68 (7).]

FORM FOR SANCTIONING PENSIONS.

²³FORM 7].

[See rule 57, 61 (1), 63, 64(2) and (3), 68 (7).]

FORM FOR ASSESSING PENSION / FAMILY PENSION / GRATUITY.

¹ Form 5-A inserted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.

² Form 6 and 7 deleted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.

³ Form 7 substituted - G.O.Ms.No.49, Finance (Pension) Department, dated 19-01-1996.

FORM 8.**FORM OF LETTER TO THE AUDIT OFFICER FORWARDING THE PENSION PAPERS OF A GOVERNMENT SERVANT.**

No.....

Government of Tamil Nadu

Department/ Office.....

Dated the

To

The Accountant – General

.....
.....
.....Subject: Pension papers of Thiru/Tmt/Selvi for
authorisation of pension.

-oOo-

Sir,

I am directed to forward herewith the pension papers of Thiru/ Tmt/ Selvi of this Office/ Department for further necessary action.

2. The details of Government dues which will remain outstanding on the date of the retirements of Government servant which need to be recovered out of death-cum retirement gratuity are indicated below :-

(a)	Balance of the house building or Conveyance advances	Rs.
(b)	Overpayment of pay and allowance including leave salary	Rs.
(c)	Income- tax deductible at source under the Income – tax Act, 1961.	Rs.
(d)	Arrears of rent for occupation of Government accommodation	Rs.
(e)	Advance amount of rent for the retention of Government accommodation for the permissible period of occupation beyond the date of retirement or 25 per cent of death cum-retirement gratuity or Rs.2,000/- (Rupees Two Thousand only) whichever is less.	Rs.
(f)	Any other assessed dues and the nature thereof	Rs.
(g)	Amount of gratuity to be with-held for adjustment of unassessed dues, if any	Rs.

Total

Rs.

It is requested that the above mentioned dues may be recovered out of death-cum-retirement gratuity before authorising its payment.

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

THE TAMIL NADU PENSION RULES, 1978

4. The receipt of this letter may be acknowledge and this Department/Office informed that necessary instructions for the disbursement of pension and death-cum-retirement gratuity have been issued to the disbursing officer concerned.

Yours faithfully,

Head of Office.

List of enclosures:

1. From 5*, ¹[Forms 6 and 7] duly completed.
2. Medical Certificate of incapacity (if the claim is for invalid pension).
3. Service Book (date of retirement to be indicated in the Service Book)
4. (a) Two specimen signatures, duly attested by the Head of office or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impressions duly attested by the Head of Office.
- ** (b) Three copies of passport size photograph with wife/husband (either jointly or separately) duly attested by the Head of Office.
- (c) Two Slips showing the particulars of height and identification marks, duly attested by the Head Office.
5. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.
6. Written statement, if any, of the Government servant as required under rule 62 of the Tamil Nadu Pension Rules, 1978.
7. Brief statement leading to the reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

Explanation:-

When initials or name of the Government servant are or is incorrectly given in the various records consulted that fact should mentioned in this letter.

- * If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 from the Government servant, the Head of Office may forward the pension papers to the Audit Officer, without Form 5. The Form may be sent as soon as it is obtained from the Government servant.

** Only two copies of passport size photograph need be furnished –

- (i) If the Government servant is governed by rule 49 of the Tamil Nadu Pension Rules, 1978 and is unmarried or a widower or a widow.
- (ii) if the Government servant is governed by rule 50 of the Tamil Nadu pension Rules, 1978.

List of Enclosures.

1. From 6 Containing the orders of the pension sanctioning authority and Form 7 with details of service, etc.
2. Medical certificate for invalidation (if the claim is for invalid Pension).
3. Service Book.

¹ Form 6 and 7 omitted – G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.

4. Memorandum of average emoluments reckoning for Pension.
5. Last pay Certificate.
6. [(a) two specimen signatures duly attested by gazetted Government servant or in the case of pensioner not literate enough to sign his name, slips bearing the left hand thumb and finger impressions, duly attested by gazetted Government servant], and¹
[(a) Two specimen signatures of the pensioner or slips bearing the left hand thumb and finger impressions in the case of pensioner who is not literate enough to sign his name, duly attested by Government servant in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'.]

*(b) Three copies of passport size joint photograph with wife/ husband duly attested by the Head of Office.

(c) Two slips showing the particulars of height and identification marks duly attested.
7. Application for pension in Form 5
8. Explanation for delay, if any beyond one month from the date of retirement of the Government servant in forwarding Forms 6 and 7
9. When the fact of service in another Office, is not satisfactorily attested in the service book., duly certified abstract from the Head of Office.
10. Written statement if any, of the Government servant as required by rule 62 of the Tamil Nadu Pension Rules, 1978, duly admitted by the pension sanctioning authority.

¹ Form 8, after the Explanation, under the heading "List of Enclosures" in Sl.No.6, for item (a) substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

THE TAMIL NADU PENSION RULES, 1978

FORM 9.

[See rule 71 (1)]

FORM OF SURETY BOND

In consideration of the Government of Tamil Nadu (hereinafter called the "Government" which expression shall include his successors in office and assigns) having agreed to settle the final accounts of Thiru / Thirumathi / Selvi..... without production of a "No Demand Certificate" from the Department in charge of Government accommodation, I hereby stand surety (which expression shall include my heirs, executors and administrators) for payment of the said of rent and other dues in respect of residence now allotted to him/her by the Government and also for any residence that may be allotted or that was allotted to the said..... from time to time by the Government. I, the surety, further agree and undertake to indemnify the Government against all loss and damage until delivery of vacant possession of the above said residence is made over to the Government.

I hereby also stand surety for any amounts that may be due by the said.....to the Government by way of over payment of pay, allowances, leave salary, advances for conveyance, house-building or other purposes, of any other dues.

The obligation undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government in the said.....

This guarantee shall remain in force till,

- (i) the "No Demand Certificate" is issued by the Department in-charge of Government accommodation in favour of the said.....
- (ii) the Head of Office in which the said.....was last employed, and in case he/she drawing pay allowances on ¹[self drawing Government servants] bill forms the concerned Audit Officer has certified that nothing is now due to the Government from the said

The stamp duty on this instrument shall be born by the Government.

Signature of surety.

Signed and delivered by the said surety at this day of in the presence of:

1. Signature

Address and occupation of witness

2. Signature

Address and occupation of witness

Certified that Thiru /Thirumathi is a Permanent Government servant and he/she shall not attain the age of superannuation within two years from the date he/she stands surety.

Signature of the Head of Department or Office in which the surety is employed.

This bond is hereby accepted.

(Signature and designation for and on behalf of Governor of Tamil Nadu)

¹ Form 9, for the words "Gazetted Government servants", the words "self drawing Government servants" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

FORM 10.*[(see rules 72 (3) and 74 (2)]***FORM OF LETTER TO THE MEMBERS OF THE FAMILY OF A DECEASED
GOVERNMENT SERVANT WHERE VALID NOMINATION FOR THE GRANT OF
THE DEATH-cum-RETIREMENT GRATUITY EXISTS.**

No.....

Government of Tamil Nadu

Department/ Office.....

Dated the

To

The Accountant – General

.....
.....
.....Subject: Payment of death cum-retirement gratuity/in respect of the late
Thiru / Thirumathi

-oOo-

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Thiru / Thirumathi (Designation) in the Office/ Department a death-cum retirement gratuity is payable to his her nominee(s). A Copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 12.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part precise details of the contingency may kindly be started.

Yours faithfully,

Head of Office/Audit Officer.

THE TAMIL NADU PENSION RULES, 1978

FORM 11.

[See rules 72 (3) and 74 (2)]

**FORM OF LETTER TO THE MEMBER OR MEMBERS OF THE FAMILY OF A
DECEASED GOVERNMENT SERVANT WHERE VALID NOMINATION FOR THE
GRANT OF THE DEATH-cum-RETIREMENT GRATUITY DOES NOT EXIST.**

No.
Government of Tamil Nadu
Department/ Office.....
Dated the

To

The Accountant – General

.....
.....

Subject : Payment of death-cum-retirement gratuity in respect of the
Thiru/Thirumathi

-oOo-

Sir/Madam,

I am directed to say that in terms of rule 45 of the Tamil Nadu Pension Rules, 1978, a death-cum-retirement gratuity is payable to the following members of the family of late Thiru/Thirumathi (Designation), in the Office/Department in equal shares:-

(i) Wife/Husband	} [including step children, adopted children and children born through illegitimate wife.]
(ii) Sons	
(iii) Unmarried daughters	

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares:-

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

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed form 12 as soon as possible.

Yours faithfully,
Head of Office/Audit Officer.

1 Form 11 for the words "including step children and adopted children", the words "including step children, adopted children and children born through illegitimate wife" added - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.

FORM 12.*[See rules 72 (3) and 74 (2)]***FORM OF APPLICATION FOR THE GRANT OF DEATH-cum-RETIREMENT
GRATUITY ON THE DEATH OF A GOVERNMENT SERVANT.***(To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor the guardian should claim gratuity in one Form on their behalf.)*

1. (i) Name of the claimant in case he is not minor. :
- (ii) Date of Birth of the claimant. :
2. (i) Name of the guardian in case applicant are minor. :
- (ii) Date of death of guardian. :
3. (i) Name of the deceased Government servant in respect of whom gratuity is being claimed. :
- (ii) Date of death of Government servant. :
- (iii) Office / Department in which the deceased served last. :
4. Relationship of the claimant guardian with the deceased Government servant. :
5. Full postal address of the claimant/guardian. :
6. (i) where gratuity is claimed by the guardian on behalf of minor the name of the minor, age, relationship with the deceased Government servant, etc.

Serial Number	Name	Age	Relationship with the deceased Government servant	Postal address
(1)	(2)	(3)	(4)	(5)

(ii) Relationship of the guardian with minor. :

7. Name of the Treasury or Sub-Treasury at which Payment is desired. :

**Signature / Thumb impression of the
claimant / guardian.**

THE TAMIL NADU PENSION RULES, 1978

8. Two specimen signatures or *left hand thumb and finger impression of the claimant / guardian duly attested. [To be furnished in a separate sheet]

14. @Attested by:

<i>Name</i>	<i>Full Address</i>	<i>Signature</i>
(1)	(2)	(3)

(i)

(ii)

15. Witnesses:

(i)

(ii)

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

@ Attestation should be done by two gazetted Government servants or by two or more persons of respectability in the town or village in which the applicant resides.

FORM 13.*[See rule 72(4) and 74(3)]***FORM OF LETTER TO THE WIDOW /WIDOWER OF A DECEASED
GOVERNMENT SERVANT FOR GRANT OF [CONTRIBUTORY] FAMILY
PENSION.**

No.....

Government of Tamil Nadu

Department/ Office.....

Dated the

To

Thiru / Thirumathi

.....

.....

Sir/Madam,

I am directed to say that in terms of rule 49 of the Tamil Nadu Pension Rule., 1978, a
 '[***] family pension is payable to you as widow / widower of the late Thiru /
 Thirumathi..... (Designation) in the Office / Department of

2. You are advised that a claim for the grant of [contributory] family pension may be
 submitted in the enclosed Form 14.

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

Yours faithfully,

Head of Office/ Audit Officer.

¹ Form 13, the word "contributory" wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension)
 Department, dated 21-07-1995 with effect from 1st January 1979.

THE TAMIL NADU PENSION RULES, 1978

FORM 14.

[See rules 72 (4), 74 (3) and 76 (2)]

FORM OF APPLICATION FOR THE GRANT OF FAMILY PENSION ON THE DEATH OF GOVERNMENT SERVANT / PENSIONER.

1. Name of the Applicant :
 (i) Widow / Widower :
 (ii) Guardian if the deceased :
 Government Servant / Pensioner is
 survived by Minor child
2. Name and Age of surviving widow / :
 widower and children of the deceased
 Government servant / Pensioner

Serial Number	Name	Relationship with deceased person	Date of Birth by Christian Era
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

3. Name of the deceased Government Servant / :
 Pensioner
4. Pension Pay Order No. of the deceased :
 Pensioner, if any
5. Date of death of the deceased Government
 Servant / Pensioner
6. Office / Department in which deceased :
 Government Servant / Pensioner served last.
 In the case of Educational Institution
 whether it is Government / Aided /
 Panchayat / Municipal School and the
 District in which the Institution falls may
 also be stated.
7. If the applicant is guardian, his date of birth :
 and relationship with the deceased
 Government Servant / Pensioner
8. (i) If the applicant is widow / widower, the :
 details of the amount of service pension
 if any which she / he may be in receipt
 on the date of death of the husband /
 wife.
 (ii) If the widow / widower or the son / :
 daughter is employed, the details of
 such employment

9. Full address of the Applicant :

10. Name of the Treasury or Sub-Treasury at which payment desired :

11. Indicate whether Family Pension is admissible from any other source (Military / Government of India / Local Body) :

12. Signature of left hand thumb impression of the applicant :

13. Enclosures :

(i) Two specimen signatures of the applicant, duly attested (to be furnished in two separate sheets) :

(ii) Two copies of passport size photograph of the applicant duly attested. :

(iii) Two slips each bearing left hand thumb and finger impressions of the applicant duly attested. :

(iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (To be furnished in duplicate.) :

(v) Certificate (s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Local Panchayat or from the Head of a recognized school if the child is studying in such school. :

14. Attested by:

Name	Full Address	Signature
(1)	(2)	(3)

(i)

(ii)

15. Witnesses:

(i)

(ii)

NOTES.-

1. Proof for Death (Original or attested copy) should be attached:

¹[2. Heirship Certificate (original or attested copy) issued by Tahsildar or Court of Law should be furnished in all cases of claim for family pension except in the cases where Joint Pension Payment Orders have already been issued.]

3. Where claim is made by guardian, a guardianship certificate issued by Court of Law should be furnished.

¹ Form 14, under the heading "Notes", item 2. "Heirship Certificate (original or attested copy) issued by Tahsildar / Court of Law should be furnished" substituted - G.O.Ms.No.31, Finance (Pension) Department, dated 09th January 1996.

THE TAMIL NADU PENSION RULES, 1978

4. In case of claim by a widow who happened to be the second wife of the deceased, the information whether the first wife is alive or not, whether the second marriage had taken place after the demise of the first wife, whether the children are through the first wife or second wife etc. should be furnished against column 2.

¹[5. In case where a Passport size of Joint Photograph of the pensioner with wife or husband, as the case may be, is already available, there is no need to obtain the photograph of the wife or husband, as the case may be, again while applying for family pension on the death of the pension.]

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

(Y) Attestation should be done by one gazetted Government Servant or one or more persons of responsibility in the town or village in which the applicant resides.

[Form 14 substituted – G.O.Ms.No.830, Finance (Pension) Department, dated 03-12-1993.]

¹ Form 14, under the heading "Notes", after item 4, item 5 added – G.O.Ms.No.838, Finance (Pension) Department, dated 07th October 1994 with effect from 03rd December 1993.

FORM 15.*[See rules 72 (5) and 74 (4)]***FORM OF LETTER TO THE MEMBER OF THE FAMILY OF A DECEASED
GOVERNMENT SERVANT WHERE VALID NOMINATION FOR THE GRANT OF
NON-CONTRIBUTORY FAMILY PENSION EXISTS**

No.....

Government of Tamil Nadu

Department/ Office.....

Dated the

To

.....
.....
.....

Sir/Madam,

Subject : Payment of Non-contributory Family Pension in respect of
late Thiru/Thirumathi

-oOo-

I am directed to state that in terms of nomination made by the late Thiru/ Thirumathi
..... (Designation) in the Office / Department of
..... a non-contributory family pension is payable to you as his/her
nominee.

2. I am accordingly to suggest that a claim for the grant of non-contributory family
pension may be submitted by you in the enclosed Form 17.

3. Should any contingency have happened since the date of making the nomination,
so as to render the nomination invalid precise details of contingency may kindly be stated .

Yours faithfully,

Head of Office/Audit Office.

THE TAMIL NADU PENSION RULES, 1978.

FORM 16.

[See rules 72(3) and 74(4)]

FORM OF THE LETTER TO THE MEMBER OR THE FAMILY OF A DECEASED GOVERNMENT SERVANT WHERE VALID NOMINATION FOR THE GRANT OF NON CONTRIBUTORY FAMILY PENSION DOES NOT EXIST.

To

.....

Sir/Madam,

Subject: Payment of non-contributory family pension in respect of late
 Thiru / Thirumathi

-oOo-

I am directed to state that in terms of rule 50 of the Tamil Nadu pension Rules, 1978 a non-contributory family pension is payable to the family of the late Thiru/Thirumathi Designation in the Office/Department of a as follows:-

- (a) (i) to the eldest surviving widow or to the husband
- (ii) failing widow/husband to the eldest surviving son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
and
- (iv) these failing to the eldest surviving widowed daughter ; and
- (b) if there are no surviving members of the family as at clause (a) above.
 - (i) to the father;
 - (ii) failing the father and the mother;
 - (iii) failing the father and mother, to the eldest surviving brother below eighteen years of age;
 - (iv) failing (i), (ii) and (iii) above to the eldest surviving unmarried sister;
and
 - (v) failing the above , to the eldest surviving widowed sister,
- (c) No non-contributory family pension is payable to a person mentioned in clause (b) above without production of reasonable proof that such person was dependent on the deceased for support.

2. I am to suggest that a claim for the non-contributory family pension may be submitted in the enclosed Form 17, as soon as possible. If you have a prior claim to it in accordance with gradation given above, you are requested to furnish an affidavit to the effect that there is no other surviving member of the family of Thiru/Thirumathi ranking above you in the order given in the first paragraph. If in the light of the above gradation, you have no prior claim to the non-contributory family pension, you are requested to intimate this Office/Department the name, address and relationship with the deceased, the person who according to your knowledge has a prior claim to the non-contributory family pension. Any false information given or declaration made by you in this connection will render you liable to legal action.

Yours faithfully,

Head of Office / Audit Officer.

¹FORM 17.*[see rules 72 (4), 74 (3) and 76 (2)]***COMBINED APPLICATION FOR GENERAL PROVIDENT FUND
FINAL CLOSURE AND FAMILY PENSION****PART-I****FOR DEATH WHILE IN SERVICE / EXTENSION OF FAMILY PENSION CASES
(To be sent in duplicate)**

1. Name of the Government :
Employee (IN CAPITAL LETTERS).

Designation and Department. :
2. Date of Death. :
3. Date of Retirement in case of :
death after retirement.
4. Name of the Applicant / :
Guardian in case of minor.
5. Relationship of Applicant / :
Minor with Government
Employee.
6. Religion. :
7. Date of Birth in case of Minor :
with proof.
8. P.P.O. No. allotted by A.G's. :
Office (applicable only for
revision cases)
9. G.P.F. No. with Departmental :
Suffix.
10. Residential Address with PIN :
Code.

MOBILE No. :
11. Place of Payment of Pension :
(a) Pension Pay Office.
(b) District Treasury.
(c) Sub-Treasury.
12. Are you in receipt of Family :
Pension from any other source? Yes ☐ No ☐

¹ Form 17 substituted - G.O.Ms.No.455, Finance (Pension) Department, dated 15-09-2009.

13. If Yes, P.P.O. No. and Treasury :
from which it is drawn may be
furnished.

P.P.O.No.	
PPO / District Treasury / Sub-Treasury	

14. List of Family Members. :

Sl. No.	Name (s)	Relationship	Marital Status	Date of Birth	Whether Handicapped / Mentally Retarded*

* Medical Certificate to be enclosed.

15. Name of Guardian in case of :
mentally retarded children.
16. Death Certificate / :
Legal Heir ship Certificate / :
Proof of Date of Birth in case of :
minor children. (Enclose
separately.)
17. If the applicant is second wife, :
Date of Marriage with proof and
Details of first wife and children
born through both wives may be
furnished. [Copy of Death
Certificate / Court Orders for
divorcing the first wife, as the
case may be, to be furnished]

Place :

Date :

Signature of the Applicant / Guardian.

PART-II**TO BE FILLED IN BY THE DEPARTMENTAL OFFICER**

1. A.G's Office Reference No. in which :
the proposals were returned with
objections earlier.
2. Date of Beginning of Service. :
3. Date of Ending of Service. :
4. Gross Qualifying Service. :
5. Additional Qualifying Service due :
to Contingent Service.
6. Non-Qualifying Service. :
7. Net Qualifying Service. :
8. Scale of Pay :
9. Pay Last Drawn (Special Pay, :
Personal Pay drawn if any to be
shown separately).
10. Office served in the last three years. :
11. Has the Subscriber filed any : Yes ☐ No ☐
nomination for G.P.F.?
If YES, enclose the same in Original :
or Attested Copy.
12. a. Drawing Officer for G.P.F. with :
Full Postal Address and PIN
Code.
b. Phone No. of the Office with STD :
Code.
c. E-mail ID / FAX :
13. Treasury / PAO for G.P.F. :
14. a. Drawing Officer for D.C.R.G. :
with Full Postal Address and
PIN Code.

b. Phone No. of the Office with STD :
Code.

c. E-mails ID / FAX. :

15. Treasury / PAO for D.C.R.G. :

16. Details of Temporary Advance / :
Part Final Withdrawal sanctioned in
the last 12 months (If no debit is
drawn in last 12 months, the details
of last debit drawn should be
specified.

Month	Amount.	Voucher No.	Date of Payment

CERTIFICATE

It is certified that:

1. All the particulars furnished above have been fully verified with reference to office records and are found correct.
2. Advance / withdrawal from GPF was granted during the last 12 months as detailed in Column 16 above.
3. Provisional Pension has been / has not been paid (Details furnished separately)®
4. Conditions laid down in Rule 11(2) and Rule 11(3) of the Tamil Nadu Pension Rules, 1978 have been satisfied and the same has been recorded in Service Book.

® *Strike out whichever is not applicable.*

CHECK LIST / LIST OF ENCLOSURES

1. Service Book(s). [No. of Volumes] : [Enclosed / Not Enclosed]
2. Recent Passport size Photo, :
Specimen Signature / left hand
thumb impression (in the case of
illiterate) and Descriptive Roll of
the claimant, all in triplicate, duly
attested. (furnished in the
Annexure).
3. Attested copy of Legal Heir :
Certificate and Death Certificate.
4. Proof of Date of Birth in the case :
of children.
5. Dependency Certificate from the :
claimant in case of parent.
6. Income Certificate issued by :
Revenue Authorities.
7. Non-remarriage Certificate duly :
countersigned by any Gazetted
Officer.
8. Sanction order in respect of Non- :
Government Aided Educational
Institution cases and Missing
Employee / Pensioner cases..
9. Guardianship Certificate issued :
by Court of Law, if payments is to
be authorized through Guardian
on behalf of minor / mentally
retarded children.
10. Medical Certificate issued by :
Senior Civil Surgeon of the same
discipline where payment is to be
authorized to physically
handicapped children.
11. Copy of First Information Report :
in respect of missing employee /
pensioner cases.
12. Nomination for GPF /DCRG :
13. Death Certificate of first wife or :
copy of Court Orders for divorce.
14. Copy of Adoption Deed in case of :
adopted children.

15. Copy of Medical Certificate in the :
case of Mentally Retarded
Children.

Place :

Date :

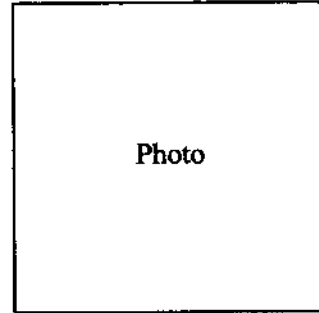
**Signature of the Head of Office /
Department with Seal.**

INSTRUCTIONS

1. Please send the application in **DUPLICATE**.
2. Please fill up all items in capital letters.
3. Incomplete application will not be processed.
4. Annual Account Statement of GPF need not be sent.
5. Last Fund deduction particulars mean deduction to GPF before stopping recovery.

ANNEXURE*(To be sent in Triplicate)*

1. Passport size Photo of the :
Applicant / Guardian in case of
minor with Name.



Name of Applicant. :

Name of Guardian in case of :
minor.

**Counter Signature of the Head of
Office with Seal.**

2. Specimen Signature / Left hand : 1.
thumb impression of the
applicant / guardian. 2.

3.

3. Descriptive Roll of Applicant / : 1.
Guardian. [Personal Marks of
Identification]. 2.

3.

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FORM 18.

[See rules 72 (6) and (7), 74 (6) and (7) and 75 (6)]

**FORM FOR ASSESSING AND SANCTIONING FAMILY PENSION AND
DEATH-CUM-RETIREMENT GRATUITY WHEN A GOVERNMENT SERVANT
DIES WHILE IN SERVICE.**

(To be sent in duplicate if the payment is desired in a different circle of audit.)

PART I

1. Name of the deceased Government servant. :
2. Father's Name :
(and also husband's name in the case of female Government servant.)
3. Date of birth (by Christian era) :
4. Date of death (by Christian era) :
5. Religion and Nationality. :
6. Office/Department in which last employed. :
7. Appointment held last- :
(i) Substantive :
(ii) Officiating :
8. Date of beginning of service. :
9. Date of ending of service. :
(i) Total period of military service for which pension/gratuity was sanctioned. :
(ii) Amount and nature of any pension/gratuity received for the military service. :
11. Amount and nature of any pension received for previous civil service, if any. :
12. Government under which service has been rendered in order of employment. :
13. Interruption and non-qualifying service. :
14. Length of qualifying service. :
15. Emolument reckoning for gratuity. :
16. Proposed death-cum-retirement Gratuity.
17. Whether nomination made for - :
(i) Death-cum retirement gratuity. :
(ii) Non-contributory family pension if applicable. :

18. If non-contributory family pension applies and the Government servants had rendered more than ten years qualifying service –
- (i) "Average Emoluments" for pension, if the Government servant had retired on the date following the date of his death. :
 - (ii) Proposed Pension. :
 - (iii) Proposed non-contributory Family Pension. :
 - (iv) Period of tenability of non-contributory Family Pension. :
19. If ¹[***] family pension applies –
- (i) Proposed [***] Family Pension. :
 - (ii) Period of tenability of [***] Family Pension. : From To
20. ²[Persons to whom Family Pension (contributory or non-contributory) is payable.]
- (i) Name :
 - (ii) Relationship with the deceased Government servant. :
 - (iii) Full Postal Address. :
21. Persons to whom death-cum-retirement gratuity is payable.

Serial Number	Name	Amount of the Share of the DCRG	Relationship with the deceased.	Full Postal Address
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				

22. Name of the guardian who will receive payment of family pension and death-cum-retirement gratuity in the case of minor(s). :

¹ Form 18, Sl.No.19(ii), the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

² Form 18, for the Sl.No.20. "Persons to whom family pension (contributory or non-contributory) is payable.", the following substituted "Persons to whom family pension or non-contributory family pension is payable." - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

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23. Government dues, if any, outstanding :
against the deceased Government
servant.
24. Head of Account to which family :
pension and death-cum-retirement
gratuity are debatable.
25. Name of the Treasury or Sub-Treasury
where the payment of family pension
and death cum-retirement gratuity is
desired.

Signature of the Head of Office /
Audit Officer.

Dated the

Place

PART II

SECTION I

Details of service (showing interruption) of the late Thiru/Thirumathi/Selvi

Date of Birth

Date of Death

Establishment	Appointment	Officiating / Substantive	Date of service	Date of ending or service.	Period reckoning as service.	Period not reckoning as service.	Total Period of service.	Remarks by the Audit Officer.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			Y.M.D.		Y.M.D.			

SECTION II.

(To be filled if non-contributory family pension is admissible.)

***Emolument drawn during the last ten months.**

Name	From	To	Pay	Personal Pay	Special Pay
Average Emoluments					

* In a case when the last ten months include some period not to be reckoned for calculating average emoluments an equal period backwards has to be for calculating the average emoluments.

SECTION III

Details of non-qualifying service.

1. Interruptions. :
2. Extraordinary leave not qualifying for pension. :
3. Period of suspension not treated as qualifying. :
4. Any other service not treated as qualifying. :

SECTION IV.

Period of service verified with reference to the Acquittance Rolls.

Whether the above period has been verified in accordance with the provisions of sub-rule (4) of rule 62 of the Tamil Nadu Pension Rules, 1978.

PART III

1. *Remarks of the Head of Office-*

- (1) As to the character conduct and past service of the deceased government servant. : Good / Fair / Indifferent / Bad.
- (2) Explanation of any suspension or degradation. :
- (3) Any other remarks. :
- (4) Specific opinion of the Head of Office whether the service claimed is established and should be admitted or not. :

2. *Orders of the pension sanctioning authority.* -The undersigned having satisfied himself that the service of the late Thiru/ Thirumathi/ Selvi was thoroughly satisfactory hereby orders the grant of the full death-cum-retirement gratuity and non-contributory family pension (if applicable) which may be accepted by the Audit Officer as admissible under the Tamil Nadu Rules, 1978 to the person (s) mentioned in Part I of this Form.

OR

The undersigned having satisfied himself that the service of the late Thiru/Thirumathi/Selvi was not thoroughly satisfactory hereby orders that the amount of gratuity and non-contributory family pension if applicable, as may be accepted by the Audit Officer under the Tamil Nadu Pension Rules, 1978 shall be reduced by the amount specified below before any authority for payment is issued to the person(s) mentioned in Part I of this Form.

Amount of reduction in the gratuity. :

Amount of reduction in non-contributory family pension, if applicable. :

The grant of gratuity or of family :
pension or of both shall take effect
from

Signature and designation of the
Pension sanctioning authority.

Place

Date the

¹Part III-A

Details of provisional family pension and gratuity to be drawn and disbursed by Head of Office in accordance with rule 74 (7).

Provisional Family Pension : Rs. *per mensem*

Gratuity as mentioned in item 16 of : Rs.
Part I

Less.

(a) Government dues which have been :
ascertained and assessed.

(b) Amount of gratuity held over for :
adjustment of Government dues
which have not been
Assessed so far.

c) Total of (a) and (b) Net amount of :
gratuity payable provisionally.

PART-IV

SECTION I.

Audit Enfacement

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

(i) Death -cum-Retirement gratuity :

²[(ii) Family pension or non- :
contributory family pension.]

2. Reduction ordered by pension :
sanctioning authority.

3. Net amount of death-cum-retirement of :
gratuity after taking into account the
reduction mentioned in item 2 and other
Government dues.

¹ Form 18, after Part-III, Part-III-A added - G.O.Ms.No.475, Finance (Pension) Department, dated 10-07-1981.

² Form 18, Part-IV, Section-I, for the Sl.No.1(ii) "Family pension (Contributory or non-contributory)", the following item substituted "Family pension or non-contributory family pension."- G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

4. Amount of¹[***] family pension. :
 (i) if death took place before seven years :
 of service.
 (ii) if death took place after seven years :
 of service, the period of tenability of
 the enhanced pension.
5. Amount of non-contributory family :
 pension after taking into account the
 reduction, mentioned in item 2 and the
 period for which order is issued.
6. The date from which family pension is :
 admissible.
7. Head of Account to which death-cum- :
 retirement gratuity and family pension
 are chargeable.

Accounts Officer

Assistant Accountant -General

SECTION II

1. Name of the deceased Government :
 servant.
2. Date of death of the Government :
 servant.
3. Date of submission of claim by the :
 family of the deceased Government
 servant.
4. Sanctioning authority. :
5. Amount of family pension sanctioned. :
6. Amount of gratuity sanctioned. :
7. Date of sanction. :
8. Amount recoverable from gratuity. :
9. The Amount of gratuity held over for :
 adjustment of unassessed Government
 dues.

Note I.- Service for the period commencing from and up to the date of death
 has and yet been verified this should be done before pension
 payment it is tenable.

¹ Form 18, Part-IV, Section-I, Sl.No.4, the word "contributory" omitted - G.O.Ms.No.615, Finance
 (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

PART V.

Instructions

1. **Average emoluments** .—The calculation of average emoluments, mentioned in item 1 of Part I of this Form should be based on the actual number of days contained in each month.
2. **Detail of service** .—
 - (a) Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods a month is reckoned as thirty days.
 - (b) All periods not reckoned as service should be distinguished.
3. **Identification marks**.—Specify a few conspicuous marks not less than two, if possible.
4. **Name**.— When initials or the name of the Government servant are or is incorrectly given in the various records consulted mention this fact in the letter forwarding the pension papers.
5. **Date of death**.—Date of death to be indicated in the service book and the Last Pay Certificate, if any.
6. **Alterations**.—Alterations to be made in red ink under date initials of a¹[two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'].

¹ Form 18, in Part V, in Instruction-6, for the words "Gazetted Government Servants", the following "two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

FORM 19.*[See rule 74 (6)]***FORM OF LETTER TO THE AUDIT OFFICER FORWARDING PAPERS FOR THE GRANT OF FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY TO THE FAMILY OF A GOVERNMENT SERVANT WHO DIES WHILE IN SERVICE.**

To
 The Accountant-General /
 Pay and Accounts Officer,

Sir,

Subject:- Grant of Family Pension and Death-cum Retirement Gratuity.

-oOo-

I am directed to say that Thiru (Designation) died on His family has become eligible for the grant of family pension and death-cum-retirement gratuity. Form 18 duly completed '***' is forwarded herewith for further necessary action.

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

3. The receipt of this letter may be acknowledged and the Department / Office informed that necessary instructions for the disbursement of family pension and death-cum-retirement gratuity have been issued to the Treasury Officer concerned.

Yours faithfully,
 (Head of Office).

List of Enclosures.

1. Specimen signature or left hand thumb and finger impressions of beneficiary, duly attested.
2. Two attested copies of a passport size photograph of the beneficiary.
3. Descriptive Roll of the beneficiary, duly attested.

¹ Form 19, in Para 1, the words "and containing the orders of the pension sanctioning authority" omitted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997

FORM 20.

[See rule 74 (2)]

FORM OF LETTER SANCTIONING ¹[] FAMILY PENSION TO THE CHILD OR CHILDREN OF A RETIRED GOVERNMENT SERVANT WHO DIES AFTER RETIREMENT BUT DOES NOT LEAVE BEHIND A WIDOW / WIDOWER.**

To

The Accountant-General /
Pay and Accounts Officer,
.....
.....

Sir,

Sub: Grant of Family Pension to the child / children.

-oOo-

I am directed to say that Thiru / Thirumathi formerly (Designation) in this Department/Office was sanctioned pension of Rs..... with effect from on his / her retirement from service.

2. Intimation has been received in this Department / Office that Thiru/Thirumathi died on and that at the time of death left no widow / widower but was survived by the following children *:-

Sl. No.	Name	*Son / Daughter	Date of birth in Christian era.	Date from which family pension ceases to be payable.
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				

3. In terms of rule 49 of the Tamil Nadu Pension Rules, 1978, the amount of [**] family pension has become payable to the children in the order mentioned above. The contributory family pension will be payable on behalf of the minors to Thiru / Thirumathi who is the Guardian.

4. Sanction for the grant of [contributory] family pension of Rs. per month to the children mentioned above is hereby accorded. The [**] family pension will take effect from and subject to the provisions of sub-rule (6) of rule 49 of the Tamil Nadu pensions Rules, 1978 will be tenable till.....

¹ Form 20, the word "contributory" wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.

5. The contributory family pensions is debitable to the Head:

6. Attention is invited to the information furnished in the enclosed list.

7. The receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instruction for the Payment of [***] family pension to the guardian, have been issued to the Treasury Officer concerned.

Yours faithfully,
(Head of Office).

* The names of children should be mentioned in the order of eligibility mentioned in rule 49 of the Tamil Nadu pension Rules, 1978. ¹[Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally ²[***] should be included.] Children adopted legally shall only be included.

LIST.

1. Permanent address of the guardian.
2. Place of payment (Government Treasury or Sub-Treasury).

Enclosures.

3. Specimen signature of left* hand thumb and finger impressions of the guardian, duly attested.
4. Two attested copies of a passport size photograph of the guardian.
5. Descriptive Roll of the guardian duly attested.

* To be furnished in the case of the guardian who is not literate though to sign his/her name.

¹ In Form 20 in the foot note, for the second sentence, the sentence "Children adopted legally shall only be included." substituted - G.O.Ms.No.583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.

² In Form 20 in the foot note, the words "before retirement" omitted - G.O.Ms.No.92, Finance (Pension) Department, dated 07-02-1995 with effect from 22nd June 1994.

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FORM 21.

[See rule 76 (2).]

FORM OF LETTER SANCTIONING FAMILY PENSION TO THE CHILD OR CHILDREN OR THE DEATH OR REMARRIAGE OF A WIDOW / WIDOWER WHO WAS IN RECEIPT OF [***] FAMILY PENSION.

To

The Accountant-General /
Pay and Accounts Officer,
.....
.....
.....

Sir,

Sub: Grant of Family Pension to the child / children.

-oOo-

I am directed to say that Thiru / Thirumathi widow / widower of late Thiru / Thirumathi formerly in this (Designation) Department / Office was sanctioned contributory family pension of Rs. with effect from the The [Contributory] Family Pension was tenable till the death or remarriage of the widow / widower.

2. Intimation has been received in this Department / Office that Thiru / Thirumathi died/remarried on

3. At the time of death / re-marriage Thiru / Thirumathi had following children * -

SL No.	Name	*Son / Daughter	Date of birth in Christian era	Date from which family pension ceases to be payable.
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				

4. In terms of rule 49 of the Tamil Nadu Pension Rules, 1978, the amount of contributory family pension has become payable to the children in the order mentioned above. The [***] family pension will be payable on behalf of the minors to Thiru / Thirumathi who is the guardian.

5. Sanction for the grant of contributory family pension of Rs. _____ per month to the children mentioned above is hereby accorded. The [contributory] family pension will take effect from and subject to the provisions of sub-rule (6) of rule 49 of the Tamil Nadu pensions Rules, 1978 will be tenable till.....

6. The [contributory] family pensions is debitable to the Head.

7. Attention is invited to the information furnished in the enclosed list.

8. The receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instruction for the payment of [contributory] family pension to the guardian have been issued to the Treasury Officer concerned.

Yours faithfully,

(Head of Office).

* The names of children should be mentioned in the order of eligibility mentioned in rule 49 of the Tamil Nadu pension Rules, 1978. [Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally before retirement should be included.] Children adopted legally shall only be included.

[In Form 21 in the foot note, the words "before retirement" omitted - G.O.Ms.No.92, Finance (Pension) Department, dated 07-02-1995 with effect from 22nd June 1994]

[In Form 21 in the foot note, for the second sentence, the sentence "Children adopted legally shall only be included." Substituted - G.O.Ms.No.583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979]

[Form 21, the word "contributory" wherever it occurs omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979]

LIST.

6. Permanent address of the guardian.
7. Place of payment (Government Treasury or Sub-Treasury).

Enclosures.

8. Specimen signature of left* hand thumb and finger impressions of the guardian, duly attested.
9. Two attested copies of a passport size photograph of the guardian.
10. Descriptive Roll of the guardian duly attested.

* To be furnished in the case of the guardian who is not literate enough to sign his/her name.

FORM 22.*[See rule 76(4).]***FORM OF APPLICATION FOR THE GRANT OF RESIDUARY GRATUITY
ON THE DEATH OF A PENSIONER***(To be filled separately by each applicant.)*

1. Name of the applicant :
2. (i) Name of the guardian in case the applicant is a minor :
- (ii) Date of birth of guardian :
3. Name of the deceased pensioner :
4. Office/Department in which the deceased pensioner served last :
5. Date of death of the pensioner :
6. Date of retirement of the deceased pensioner :
7. Amount of monthly * Pension (including ad hoc increase, if any) sanctioned to deceased pensioner :
8. Amount of death-cum retirement gratuity received by the deceased pensioner :
9. The amount of pension (including adhoc increase, if any) drawn by the deceased till the date of death :
10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension :
11. Total of item 8, 9 and 10 :
12. Amount of death-cum-retirement Gratuity equal to 12 times of the emoluments :
13. The amount of residuary gratuity claimed i.e., the difference between the amount shown against item 12 and item 11 :
14. Relationship of the applicant with the deceased pensioner :
15. Date of birth of the applicant :
16. Name of the Treasury or sub-Treasury at which payment is desired :
17. Full address of the applicant :
18. Signature or thumb impression of the applicant (To be furnished in a separate sheet, duly attested,)

19. Attested by:

<i>Name</i>	<i>Full Address</i>	<i>Signature</i>
(1)	(2)	(3)

(i)

(ii)

20. Witness:

(i)

(ii)

* If a retired Government servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension, including ad hoc increase, if, any, together with the death-cum retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount equal to the 12 times of his emoluments. Residuary gratuity equal to the deficiency becomes payable to the family.

When a Government servant had retired before earning a pension, the amount of service gratuity should be indicated.

Attestation should be done by two ¹[two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'] or by two or more persons of respectability in the town or village in which the applicant resides.

¹ Form 22, in the foot note, for the words "Gazetted Government Servants", the following "two Government servants in Group 'A' or by Government servant who is drawing time scale of pay, the minimum of which is Rs.1820/- and above, coming under Group 'B'" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.

FORM 23.*[See rule 36.]***FORM OF MEDICAL CERTIFICATE ELSEWHERE THAN INDIA**

We have carefully examined Mr. _____ taking into account all the facts of the case as well as his present condition, we consider that he is incapable of discharging the duties of his situation, and that such incapability is likely to be permanent. His incapacity does not appear to us to have been caused by irregular or intemperate habits.

NOTE.- If the incapacity is obviously the result of intemperance substitute for the last sentence : "In our opinion his incapacity is the result of irregular or intemperate habits". If the incapacity does not appear to be complete and permanent, the certificate should be made. We are of opinion that A / B, is fit for further service of a less laborious character than that which he has been doing (or may, after resting for months, be fit for further service of a less laborious character than that which he has been doing)."

FORM 24.*[See rule 36.]***FORM OF MEDICAL CERTIFICATE IN INDIA.**

Certified that I (we) have carefully examined A, B, Son of C, D, a in the His age is by his own statement years, and by appearance about years. I (we) consider A, B to be completely and permanently incapacitated for further service of any kind for in the department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.

¹[If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:]

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

¹ Form 24 in the 'Note' Paragraph(1) omitted - G. O. Ms. No.524, Finance, dated 30th July, 1981.

FORM 25.

[See rule 26.]

FORM OF INDEMNITY BOND.

KNOW all men by these presents that we (a)
(b) the widow /son/brother, etc, of (c), (hereinafter called the obligor,) and son-wife /daughter of-..... resident of the
 sureties) for and on behalf of he obligor (hereinafter called the sureties), are held and firmly bound to the Government of Tamil Nadu (hereinafter called "the Government") in the sum of Rs.....(Rupees.....only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective, heirs, executors, administrators, legal representatives, successors and assign by these presents.

Signed this.....day of two thousand and

WHEREAS (c) was at the time of his death rate of
 Rs.....(Rupees...month) from the Government/receiving a pension at the rate of
 Rs.....(Rupees only) per month) from the Government.

AND WHEREAS the said (c) died on the day of
19 and there was due to him at the time of his death the sum of
 Rs.....(Rupees only) for and towards
 the share of his minor son/daughter in the death-cum-retirement gratuity.

AND WHEREAS the obligor claims to be entitled to the said sum as defacto guardian of the minor son/daughter of the (c) but has not obtained till the date of these presents the certificate guardianship from any competent court of law in respect of the said minor(s).

AND WHEREAS, the obligor has satisfied the (c) that he/she is entitled to aforesaid sum and required to produce the certificate of guardianship from the competent court of law before payment to him of the said sum of Rs.....(Rupees only).

AND WHEREAS the Government have no objection to the payment of the said sum to the obligor but under Government Rules and orders, it is necessary for the Obligor to first execute abound with one surety/two sureties to indemnify the Government against all claims to the amount so due as afford said to the said (c) before the said sum an be paid to the Obligor.

AND WHEREAS the obligor and at his/her request the surety/ sureties have agreed to execute the bond in the terms and manner hereinafter contained.

Now the condition of this bound is such that it after payment has been made to the Obligor, the Obligor and or the surety \sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs.....refund to the Government the said sum of Rs.....and shall otherwise indemnity and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto then the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

And these presents who witness that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the Government whether with or without the knowledge or consent of the surety \sureties in

respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method of thing whatsoever which under the law relating to sureties shall, but for this provision have the effect of so releasing the surety \sureties from such liability for shall it be necessary for the Government to see the Obligor before suing the surety \sureties or either of them for the amount due hereunder.

In witness whereof the Obligor and the Surety \Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above names Obligor in the presence of

(1).....

(2).....

Signed by the above names 'surety \sureties'

(1).....

(2).....

Accepted for and on behalf of the Government of Tamil Nadu by the Head of Department in the presence of..... (Name and Designation witness)

- a) Full name of the claimant referred to as :
the 'Obligor'
- b) State the relationship of the Obligor to :
the deceased.
- c) Name of the deceased Government :
Officer.
- d) Full name or names of the sureties with :
name or names of the father(s)/
husband(s) and place of residence.
- e) Designation of the Officer responsible :
for payment.

THE TAMIL NADU PENSION RULES, 1978

¹FORM 26.

[See rule 64 (4).]

PENSION AND DEATH-CUM-RETIREMENT GRATUITY
CALCULATION SHEET.

1. Name	:	
2. Designation	:	
3. Office and Department last served	:	
4. Date of Birth	:	
5. Date of Entry into the Government Service	:	
6. Date of Retirement	:	
7. Length of qualifying service reckoned for pension and gratuity	:	
8. Emoluments drawn during the last months	:	
9. (1) Average emoluments for pension	:	
(2) Pension admissible	:	
Calculation to be shown as follows	:	
Average Emoluments or LPD	X	Qualifying Service (In completed 6 monthly period not exceeding 60)
2		60
10. (1) Emoluments for gratuity	:	
(2) Retirement gratuity admissible	:	
Calculation to be shown as follows	:	
Emoluments	X	Qualifying Service (In completed 6 monthly period not exceeding 66)
4		66
11. (1) Emoluments for Family Pension	:	
(2) Family Pension admissible	:	
Calculation to be shown as follows	:	
(a) Ordinary rate of Family Pension	:	30% of Pay Last Drawn subject to prescribed minimum and maximum and not exceeding the pension admissible on the date of retirement.
(b) Enhanced rate of Family Pension	:	50% of Pay Last Drawn subject to prescribed minimum and maximum and not exceeding the pension admissible on the date of retirement.

¹ Form 26 added - G.O.Ms.No.814, Finance (Pension) Department, dated 30-09-1994 with effect from 27th December 1991.

¹FORM 27.*[See rule 74 (6-A).]***FAMILY PENSION CALCULATION SHEET.**

1. Name :
2. Designation :
3. Office and Department last served :
4. Date of Birth :
5. Date of Death :
6. Rules under which Family Pension or Death-cum-Retirement Gratuity was settled. :
7. Qualifying Service :
8. Period of Service not qualifying for Family Pension with reasons for not qualifying indicating each :
9. Emoluments taken into account for calculation of Family Pension or Death-cum-Retirement Gratuity :
10. Enhanced Rate of Family Pension and Date from which it is payable :
11. Ordinary Rate of Family Pension and Date from which it is payable :
12. Names and relationship of the Family Members of the deceased to whom the Family Pension granted. :
13. Amounts of Death-cum-Retirement Gratuity sanctioned :
14. Whether nomination for Death-cum-Retirement Gratuity is available :
15. If so, the details of nominee and their relationship to the deceased Government servant. :
16. Details of persons to whom Death-cum-Retirement Gratuity paid and their relationship to the deceased Government servants. :

¹ Form 27 added - G.O.Ms.No.845, Finance (Pension) Department, dated 11-10-1994 with effect from 12th May 1987.

PART – II

THE TAMIL NADU

EXTRAORDINARY PENSION RULES

PART II.

THE TAMIL NADU EXTRAORDINARY PENSION RULES

1. These rules may be called the Extraordinary Pension Rules, Tamil Nadu.

2. These rules 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 piecework rates who are under the rule-making control of Government.

NOTE:- No award shall be made under these rules in respect of a civilian office who is deputed on foreign service under U.N. Bodies on or after 1st January 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an 'Associate Member'.

3. For the purposes of these rules 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 the 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 the Medical Board, as Government may fix; and
- (ii) in the case of disease, the date on which the Medical Board report or such earlier date as may be fixed by Government with due regard to the opinion of the Medical Board.

(3) '*disease*' means –

- (i) Venereal disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attending a post-mortem examination in the course of that duty; or
- (ii) disease solely and directly attributable to an accident.
- (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 own patient suffering from in any such disease in any area where he happens to be in the performance of his duties;

(3-A) '*Government*' means the Government of Tamil Nadu .

(4) '*injury*' means bodily injury resulting from violent 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

(5) 'pay' means the pay as defined in rule 9 (21) of the Fundamental Rules which a person was drawing on the date of his death or injury:

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

(6) 'risk of office' means any risk, not being a special risk, of accident or disease to which a Government servant 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 conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service;

NOTE. – The term 'risk of office' shall include their risk of death or injury which a Government servant as exposed of when he attends on a working day or is required to attend on a holiday the place of his employment for the performance of his duties during any riot or civil commotion in the town, city or village concerned, including any suburban areas continuous thereto, and while proceeding from his residence to the place of his employment or vice versa becomes a victim of the said riot or civil commotion.

(7) 'Special risk' means –

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

- (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 servant or by any other public servant in the lawful discharge of his duty as such, or
- (iii) because of his official position.

4. No award shall be, made under these rules except with the sanction of Government. In making an award Government may taken into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

5. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant 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.

6. 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 (a) after the injury due to violence or accident was sustained, or (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

7. All awards under these rules shall be made in India in rupees unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling at the exchange rate of 1 s. 6 d. to the rupees.

8. 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 disablement 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 limb or are of a 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 disablement which they cause, to the loss of a limb or which are very severe and likely to be permanent.

9. (1) If a Government servant sustains an injury which falls within Class A of rule 8; he shall be awarded –

(a) gratuity of the applicable amount specified in Schedule II, 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 servant sustains an injury which falls within Class B of rule 8, 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 certificates that the injury continues to be very sever.

(3) If a Government servant sustains an injury which falls within Class C of rule 8, he shall be awarded a gratuity of the applicable amount specified in Schedule II, if the Medical Board certifies that the Government Servant 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, Government may award, if they think fit, in lieu of the gratuity a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule.

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension –

- (i) when the Government servant is invalided 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 certified that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

10. Subject to the provision contained in the note below rule 11 award shall be made to the widow or widower and children or parents of a Government servant as follows:-

- (i) if a Government servant 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 III; and
 - (b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III;
- (ii) if the Government servant 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.

Provided that, if the pay of the deceased Government servant was less than Rs. 200 the monthly pension or the sum of pensions that may be granted under this rule, shall not, irrespective of the rates (including the minimum limits) specified in Schedule III, exceed the limit of one-half of his pay, and if any case the sum of such pensions calculated under Schedule III exceeds the limit of one-half of his pay, such a pro rata reduction shall be made in the amount of each individual pension as will reduce the sum to such limit.

NOTE: - If a Government servant 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.

- (iii) if a Government servant is killed or dies of injury received as a result of special risk of office, the gratuity amount equal to one-half of that which would otherwise be admissible to the widow may be paid in equal shares to motherless children of the deceased Government servant and in the absence of widow and children one-half of the gratuity, otherwise, admissible to the widow, may be paid to parents of the deceased Government servant, individually or collectively, without reference to dependency on the deceased Government servant or pecuniary need.

11. (1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and 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 servant for support and are in pecuniary need;

Provided that the total amount of the award shall not exceed one-half of the pension that would have been admissible to the widow under rule 10:

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 sub-rule (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 Government may by order prescribe.

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

12. (1) A family pension will take effect from the day following the death of the Government servant or from such other date as Government 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 18.
- (iii) in the case of an unmarried daughter or minor sister until marriage or until she attains the age of 21 whichever occurs earlier;

- (iv) in the case of a father for life.
- (v) in the case of widower, until death or re-marriage whichever occurs earlier.

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

12-A. Notwithstanding anything contained in clause (1) of sub-rule (2) of rule 12, a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with or contributes to the support of the other dependents of the deceased; shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

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

(2) When a claim for any injury pension or gratuity or family pension arise, the head of the office or of the department in which the injured, or the deceased Government servant was employed will forward the claim through the usual channel and the Accountant-General to 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 A, or as the case may be, the application for family pension in Form B of the forms set forth in Schedule IV.
- (iii) In the case of an injured Government servant or one who has contracted a disease a medical report in Form C of the forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.

(3) The audit officer shall furnish a report as to whether an award is admissible under the rules and if so what amount.

(4) Where the Government are satisfied on the evidence placed before them by a Government servant 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 said Government servant and submit a report to Government in the matter; pension shall be granted to the said Government servant in accordance with the decision of the Second Medical Board.

(5) In case where the evidence placed before the Government by the Government servant is a medical certificate of a medical practitioner, such certificate shall not be taken into consideration unless such medical practitioner declares that the

medical certificate has been given in full knowledge of the fact that the Government servant concerned had already been examined by a Medical Board.

(6) The Second Medical Board shall be arranged by the Government in consultation with the Director of Medical Education. The Members of the Second Medical Board shall be nominated by the Director of Medical Education or by Deans of Madras Medical College, Madurai Medical College and Superintendent, Thanjavur Medical College Hospital.

14. Wherever a delay of more than four months is anticipated in the finalisation of pension or gratuity under these rules, anticipatory pension or gratuity to the extent of 75 per cent of the amount admissible as pension or gratuity under these rules, may be sanctioned after obtaining audit certificate from the Accountant General, Tamil Nadu and after consulting the Tamil Nadu Public Service Commission.

NOTE.- (1) All relevant particulars, namely, a full statement of the circumstances in which the injury, disease or death occurred, report regarding the contributory negligence or otherwise on the part of the official, a medical report in proper form, a certificate to the effect that the official is not entitled to any compensation under the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and that no other compassionate gratuity has been or will be applied for in respect of the deceased official should be furnished by the Head Office Department concerned.

NOTE.- (2) This rule will apply only to cases in which the sanction to the final award is to be accorded by the Tamil Nadu Government and not to those in respect of whom the borrowing Government which bear full liability, are to sanction the award.

RULING.

1. The Extraordinary Pension Rules, Tamil Nadu shall apply to air journeys also, just as they apply to other modes of journeys according to circumstances of each case. An officer who travels on duty by air under proper authority and receives an injury and the family of an officer who meets with death shall be eligible for compensation under the Extraordinary Pension Rules, Tamil Nadu provided the case satisfies the other conditions in those rules. The question whether the injury or death should be attributed to "risk of office" or "special risk of office" for the purpose of grant of compensation will be determined with reference to the merits of each case.

NOTES .- (1) An ex-gratia payment up to Rs.42,000 in addition to the benefits admissible under the Extraordinary Pension Rules, Tamil Nadu may be paid to the family of the Government servant involved in fatal accident while travelling as passengers by service air-crafts or other Government Aircraft in the course of the performance of his official duties, provided that such travel is made only when absolutely necessary. This benefit shall also be admissible to the members of the Crew of the Government Air-crafts.

(2) An Officer travelling on duty by air should be regarded as exposed to "special risk of office" as defined in the relevant extraordinary pension rules.

(3) For purposes of awards under rule 10, the term children' has been interpreted to include a 'posthumous child'.

SCHEDULE I.*(Note to clause (4) of rule 3.)***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 facial paralysis likely to be permanent.

Lesion of kidney, ureter or bladder.

Compound fractures (except phalanges).

Such gross destruction of soft parts as to lead to permanent disability on 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 dorsi, lumbar 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.

SCHEDULE. II.

(Rule 9.)

INJURY GRATUITY AND PENSION.

Pay of Government Servant on the date of injury	Gratuity	Monthly Pension	
		Higher scale.	Lower scale
(1)	(2)	(3)	(4)
1. Rs. 2,000 and over ...	Three months pay subject to a minimum of Rs.800/-	Rs. 300	Rs. 225
2. Rs.1500 and over but under Rs.2,000/-	-do-	275	200
3. Rs.1000 and over but under Rs.1,500/-	-do-	200	150
4. Rs.900 and over but under Rs.1,000/-	-do-	150	125
5. Rs.400 and over but under Rs.900/-	-do-	100	84
6. Rs.350 and over but under Rs.400/-	-do-	85	70
7. Rs.200 and over but under Rs.350/-	-do-	67	50
8. Under Rs. 200/-	Four month's pay	One-third of pay subject to a minimum of Rs.50 per mensem.	One-fifth of pay subject to a minimum of Rs.50 per mensem.

Notwithstanding the limits specified in the entries in columns (3) and (4) against item 8, the minimum injury pension shall be Rs.8 under the higher scale and Rs.4 under lower scale in the case of re-employed pensioners and in the case of those pensioners drawing superannuation, retirement, invalid, compensation or family pension.

SCHEDULE. III.*(Rule 10.)***FAMILY GRATUITY AND PENSION.****A. WIDOW.**

Pay of Government Servant on the date of death		Gratuity	Monthly Pension
(1)		(2)	(3)
1.	Rs. 800 and over	Three months. pay subject to a minimum of Rs.800	20 percent of pay subject to a maximum of Rs. 275
2.	Rs. 200 and over but under Rs.800.	-do-	25 per cent of pay subject to a maximum of Rs.150 and a minimum of Rs.75.
3.	Under Rs. 200	Four month's pay.	45 per cent of pay subject to a maximum of Rs. 75 and a minimum of Rs. 40.

B. CHILDREN.

Pay of Government Servant on the date of death		Monthly Pension of each child.	
		If the child is motherless.	If the child is not motherless.
(1)		(2)	(3)
1.	Rs. 800 and over	Rs. 60	Rs. 25
2.	Rs. 250 and over but under Rs.800.	37.50	13
3.	Under Rs. 250	15 per cent of pay	One twentieth of pay subject to a minimum of Rs. 3.

NOTE-(1) These rates are subject to the condition that the pension payable to a child shall in no case be less than the amount of pension which would have been admissible to him had the provisions of Rule 54 of Part I of the Tamil Nadu Government Servants Family Pension Rules, 1964, been applied.

NOTE-(2). – The widower of a female Government Servant shall be paid at the rates admissible to a widow.

NOTE-(3). – In the case of a child whose mother was a Government servant the rates laid down for a motherless child shall be admissible only where both father and mother are dead.

NOTE-(4).- The above rates are applicable only to a Government servant who dies after completion of one year's service. In respect of Government servant who dies before completion of one year's service, the rates in Schedule III-A are to be applied.

NOTE (5).- The deduction of the month's emoluments from death-cum-Retirement – gratuity (with reference to Rule 50 of part I Tamil Nadu Pension Rules) need not be made in case where pension is regulated in terms of Schedule III of the Extraordinary Pension Rules, Tamil Nadu.

This amendment shall be deemed to have come into force on the 21st November 1970.

SCHEDULE III.A

FAMILY GRATUITY AND PENSION

A. WIDOW.

Pay of Government Servant on the date of death		Gratuity	Monthly Pension
(1)		(2)	(3)
1.	Rs. 800 and over	Three months' pay subject to a minimum of Rs.800	(1) One eighth of pay subject to a maximum of Rs. 200
2.	Rs. 200 and over but under Rs.800.	-do-	(2) One sixth of pay subject to a maximum of Rs.100 and a minimum of Rs.50.
3.	Under Rs. 200	Four month's pay.	One third of pay subject to a maximum of Rs. 50 and a minimum of Rs. 8.

B. CHILDREN.

Pay of Government Servant on the date of death		Monthly Pension of each child.	
		If the child is motherless.	If the child is not motherless.
(1)		(2)	(3)
1.	Rs. 800 and over	Rs. 40	Rs. 25
2.	Rs. 250 and over but under Rs.800.	25	13
3.	Under Rs. 250	One-tenth of pay subject to a minimum of Rs. 4.	One twentieth of pay subject to a minimum of Rs. 3.

SCHEDULE IV.

FORM. A.

FORM OF APPLICATION FOR INJURY PENSION OR GRATUITY.

[Rule 13 (2).]

1. Name of applicant
2. Father's name.
3. Race, sect and caste.
4. Residence, showing village and district.
5. Present or last employment, including name of establishment.
6. Date of beginning of service.
7. Length of service, including interruptions of which superior inferior non-qualifying and interruptions.
8. Classification of injury.
9. Pay at the time of injury.
10. Proposed pension or gratuity.
11. Date of injury.
12. Place of payment.
13. Special remarks, if any.
14. Date of applicant's birth by Christian Era.
15. Height.
16. Marks.
Thumb and finger impression.
Thumb, forefinger, middle finger, ring finger, little finger.
17. Date on which the applicant applied for pension.
18. Details of other superannuation / invalid / retirement / compensation pension being drawn by the applicant and details of re-employment, if any.

Certified that no other pension or gratuity has been or will be applied for in respect of the injury or injuries detailed in this application.

Signature of the applicant.

Signature of Head of Office.

NOTE-(i) In the case of European ladies, Gazetted Officers, Government title holders and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required).

If not known exactly must be stated on the best information of estimates.

FORM B.**FORM OF APPLICATION FOR FAMILY PENSION**

[Rule 13(2)].

Application for an extraordinary pension for the family of A , B late a killed or died of injuries received, as a result of special risk of Office, Submitted by the

Description of claimant –

1. Name and residence, showing village and district.
2. Age.
3. Height.
4. Race, caste or tribe.
5. Marks of identification.
6. Present occupation and pecuniary circumstances.
7. Degree of relationship to deceased.

Description of deceased –

8. Name.
9. Occupation and service.
10. Length of service.
11. Pay when killed.
12. Nature of injury causing death.
13. Amount of pension or gratuity proposed.
14. Place of payment.
15. Date from which pension is to commence.
16. Remarks.

Certified that no other compassionate gratuity has been or will be applied for in respect of the late Thiru / Thirumathi (here enter the name and designation of the Government Servant).

Name. Date of birth by Christian Era.

Name and ages of surviving kindred of deceased –

Sons.

Widows.

Daughters.

Father.

Mother.

Note – (If the deceased has left no son, widow, daughter, father or mother surviving him the word 'none' or 'dead' should be entered opposite to such relative)

Signature of Head of Office.

Place:

Date:

FORM C.

FORM TO BE USED BY MEDICAL BOARDS WHEN REPORTING
ON INJURIES.

[Rule 13(2).]

Proceedings of Medical Board

Confidential

Proceedings of a Medical Board assembled by order for the purposed of examining
and reporting on the present state of the injury sustained by
at (Place of injury etc.) disease contracted by
on the (date of inquiry, etc.)

- (a) State briefly the circumstances under which the injury/ disease
was sustained/ contracted.
- (b) What is the Government servant's present condition?
- (c) Is the Government servant's present condition wholly due to the
injury/disease. If not, state to what other causes it is
attributable.
- (d) In the case of disease from which date does it appear that the
Government servant has been incapacitated?

The opinion of the Board upon the questions below is as follows:-

PART A.

FIRST EXAMINATION.

The severity of the injury should be assessed in accordance with the
following classification and details given in the remarks column below:-

Yes / No

1. Is the injury-
 - (i) (a) the loss of an eye or a limb?
 - (b) the loss of more than one eye or limb?
 - (ii) more severe than the loss of an eye or a limb?
 - (iii) equivalent to the loss of an eye or a limb?
 - (iv) very severe and likely to be permanent?
 - (v) severe and likely to be permanent?
 - (vi) very severe, or severe, but not likely to be permanent?
 - (vii) slight but likely to be permanent?

2. For what period from the date of injury -

Is the Government servant likely to remain unfit for duty?

Remarks.—Here the classification above may be amplified, if
necessary, or details of additional injuries to the main
injury may be given.

Part B.**SECOND OR SUBSEQUENT EXAMINATION**

If the original degree of disability of the Government servant has changed, in which of the above categories should now be placed?

Remarks.- In this space additional details may be given, if necessary.

Instructions to be observed by the Medical Board preparing the Report.

1. The Medical Board before recording its opinion should invariably consult the proceedings of previous medical documents connected with the Government servant brought before them for examination.
2. If the injuries be more than one, they should be numbered and described separately, and, should it be considered that, for instance, though only 'severe' or 'slight' in themselves, they represent together the equivalent of a single 'very severe' injury, such an opinion may be expressed in the columns provided.
3. In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's un-supported statements and the medical and documentary evidence available.
4. The Board will not express any opinion, either to the Government servant examined, or in its report, as to whether he is entitled to compensation or as to the amount of it, nor will it inform the Government servant, how the injury has been classified.

PART – III

THE TAMIL NADU RETIRING AND

INVALID GRATUITIES

(NON-PENSIONABLE ESTABLISHMENT)

RULES, 1941.

PART III.

THE TAMIL NADU RETIRING AND INVALID GRATUITIES (NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.

RULES.

1. (1) These rules may be called the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishments) Rules, 1941.

(2) They shall be deemed to have come into force on the 1st day of April 1941.

2. These rules shall apply to persons in non-pensionable service including those paid from contingencies and members of the work charged establishments, to persons, who, having rendered service in a non-pensionable establishment, retire or are invalided from service in a pensionable post before rendering sufficient service to earn a pension under Part I of Tamil Nadu Pension Rules and to persons who have rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments, but are not eligible for a pension under Part I of Tamil Nadu Pension Rules. They shall not apply to persons who are subject to a Contributory Provident Fund or are governed by any special system of gratuities (e.g., men employed in Public Work Workshops). They shall not also apply to persons eligible for retrenchment benefits under the Industrial Disputes Act, 1947 (Central Act 12 of 1947).

3. For the purpose of these rules, "month's pay", means —

(a) in the case of a whole-time Government servant employed on piece-work wages, the average monthly remuneration drawn during a period of one year immediately before retirement;

(b) in the case of a Government servant employed on daily wages, such wages drawn immediately before retirement multiplied by 30;

(c) in the case of other Government servants to whom these rules apply, their monthly non-substantive pay drawn immediately before retirement; and

(d) in the case of persons who, having rendered service in a non-pensionable establishment, retire or are invalided from service in a pensionable post before rendering sufficient service to earn a pension under the Civil Service Regulations and of persons who have rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments but are not eligible for a pension under part I of Tamil Nadu Pension Rules the pay last drawn at the time of retirement or invalidation from pensionable post.

4. The amount of gratuity to be paid under these rules shall be regulated as follows:-

**THE TAMIL NADU RETIRING AND INVALID GRATUITIES
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

A. FOR SUPERIOR SERVICE.

Length of non-qualifying or non-pensionable service.	Retiring or invalid gratuity
After a service of five years or less	Nil.
After a service of over five years	One month's pay for every completed year of service subject to a maximum of 25 month's pay.

B. FOR LAST GRADE SERVICE.

Length of non-qualifying or non-pensionable service.	Retiring or invalid gratuity
After a service of five years or less	Nil.
After a service of over five years	Half month's pay for every completed year of service subject to a maximum of 15 month's pay.

NOTE (1)- A retiring gratuity will be sanctioned only when a person to whom these rules apply is compulsorily retired, say, on attaining the age of superannuation, or on termination of his appointment due to retrenchment lapse of sanction, or reorganisation of establishments or as a measure of punishment, or on his retiring voluntarily after he completes a service of 30 years. The rules regarding medical certificates in Part I of Tamil Nadu Pension Rules should be followed generally in regard to the invalidation of persons for the purpose of an "invalid gratuity" under these rules.

Provided that in the case of persons compulsorily retired as a measure of punishment the authority competent to impose the penalty may grant, if the circumstances justify it, a gratuity lower than that which is admissible to him under these rules.

(2) The provisions in the Civil Service Regulations for reckoning service, for pension and re-employment of pensioners should be followed in so far as they are applicable, in determining service qualifying for gratuity under these rules and for the re-employment of gratuitants.

The provisions of Article 422 of the Civil Service Regulations as it stood on 30th June 1960 (reproduced below) will also continue to apply to cases regulated under these rules.

**THE TAMIL NADU RETIRING AND INVALID GRATUITIES 191
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

“Upon such conditions as it may think fit, in each case to improve the authority competent to fill the appointment held by an officer at the time condonation is applied for, where he, to vacate that appointment, may condone all interruption in his service”.

(3) In the case of a person, who having rendered service in a non-pensionable establishment retires or is invalided from service in a pensionable post before rendering sufficient service to earn a pension under Part I of Tamil Nadu Pension Rules and of a person who has rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments, but is not eligible for a pension under Part I of Tamil Nadu Pension Rules, the entire service both non-pensionable and pensionable (qualifying and non-qualifying) shall be taken into account for the purpose of fixing the gratuity admissible under these rules. In case where the service is partly last grade and partly superior, gratuity shall be calculated separately for the superior and last grade portions of the service. Provided that a Government servant shall be allowed to have his entire service treated as last grade for the purpose of gratuity.

(4) A person serving in non-pensionable and pensionable establishments in succession and who retires from service in a pensionable post before rendering sufficient service to earn pension, may be allowed to count, the entire service for the purpose of gratuity alone under these rules provided it is more advantageous to him.

(This amendment takes effect from 1st October 1969.)

In the case of a person belonging to the Inferior service and retiring on or after the 2nd October 1970 the amount of gratuity to be paid under these rules, after a service of over five years shall be one month's pay for every completed year of service subject to a maximum of twenty-five months pay.

(5) The authorities who are at present authorised to sanction pensions are hereby empowered to sanction on the certificate of the Responsible Audit Officer, the gratuities admissible under these rules provided the service rendered has been thoroughly satisfactory. Where the services have not been satisfactory, orders of the Government should be obtained through the Audit Office.

(6) Service rolls should be maintained for temporary and non-pensionable employees, members of the work-charged establishment and menials paid from contingencies. The entries made in the service rolls should be verified by the heads of offices once a year and certificates of verifications recorded in the rolls as in the case of entries made in the service books of members of the regular establishments.

**THE TAMIL NADU RETIRING AND INVALID GRATUITIES
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

RULINGS

1. For purposes of determining whether a post is superior or inferior, all posts the duties of which are of a mechanical or routine nature are classified as 'inferior' irrespective of the pay attached to such posts; and all posts the duties of which are different intrinsically from menial work are classified as "superior" provided the pay of such posts exceeds Rs. 20 per mensem. The Government direct that the same principle shall be followed in classifying members of the work-charged establishment as 'last grade' or 'superior'.

The categories of men in the Highways Department mentioned under Group A below shall be 'superior' if they draw pay more than Rs. 20 per mensem and those mentioned under Group B below, shall be 'last grade' irrespective of their pay.

GROUP A.

General Foreman	Machinist -
Foreman	Grade I
Charge man (smithy, machine shop foundry and Diesel)	Grade II
Draftsman (Mechanical)	Mechanic -
Despatcher (Stores and Plant)	Grade I
Works Clerk	Grade II
Time-keeper	Grade III
Tool-keeper	Fitter (Bench) -
Stores Clerk	Grade I
Gate Sergeant	Grade II
	Grade III
Road Inspectors-	Electrician -
Grade I	Grade I
Grade II	Grade II
Driver, Bull Dozer -	Carpenters -
Grade I	Grade I
Grade II	Grade II
Driver (Heavy Transport)	Grade III
Operator (Plants, Concrete Mixers, Painter -Water Pumps, Air Compressor Mixing)	Grade I Grade II
Driver (Diesel Roller)	
Driver (Steam Roller)	Tinker -
Operator (Plants, Concrete Mixers, Painter -Water Pumps, Air Compressor Mixing Plants, etc.,)	Grade I Grade II
Welder (Gas) -	Moulder -
Grade I	Grade I
Grade II	Grade II
Welder (Electrical)	Blacksmith-
Grade I	Grade I

**THE TAMIL NADU RETIRING AND INVALID GRATUITIES 193
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

Grade II	Grade II
Turners – Grade I Grade II	Boiler Smith Watchman (Gurka)

GROUP B

Fireman	Tool Boys
Hammerman	Oilmen
Sweepers	Head Coolies
Store-picker	Gang Coolies
Waterman	Avenue Coolies
Gardeners	Watchman
Cleaners	

1. A service under emergency provisions will count for gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941.

2. Copyists Process, etc., establishments in the Revenue Department and stamping weights and measures establishments which are paid on the basis that the fees collected cover the charges of the establishments concerned are eligible for these gratuities.

NOTE.- Pensionary benefits would accrue to the copyists and Examiners in the Revenue Department retiring on or after 25th April 1958.

3. These rules should not be applied to persons who are re-employed after having been granted a pension, civil or military, or to part-time Government employees such as sweepers and scavengers. menials paid from contingencies who are in whole time service of Government (including sweepers and scavengers) come, however, under the scope of these rules.

The rules are not applicable also to waterman employed in schools whose service is not continuous.

In the case, however, of a person who is re-employed in non-pensionable service after having been granted a gratuity, civil or military, for his previous service in pensionable establishment he will be eligible for a gratuity under these rules in respect of his service subsequent to re-employment. His service in pensionable establishment prior to re-employment will be ignored for the purpose of determining the amount of gratuity admissible under these rules.

The military service which will count for civil pension Under Rule 20, Part I of the Tamil Nadu Pension Rules can be treated as qualifying for purpose of gratuity payable under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishments) Rules, 1941.

In calculating the gratuity in cases of persons who have worked both in the District Board and Highways Department, the service rendered by them under the District Boards and the gratuity paid to them by the District Boards shall not be taken

**THE TAMIL NADU RETIRING AND INVALID GRATUITIES
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

into account. The service rendered by them in the Highways Department alone shall form the basis for working out the gratuity;

Provided that in the case of Road Maistries and crews of tools and plant who were absorbed in the Highways Department, the services rendered by them in the work charged establishment of former District Board also shall be taken into account for purposes of gratuity under Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishments) Rules, 1941.

4. In the case of a Government servant who officiated in pensionable post but retired without being eligible for pension and who was subsequently employed in a non-pensionable post his former officiating service in pensionable post may be combined with his subsequent service in the non-pensionable post for purpose of the grant of gratuity under these rules.

5. If during the period of "one year immediately before retirement" referred to in rule 3(a) a Government servant has been absent from duty on leave without allowances the period of such leave should be disregarded in the calculation of the average, an equal period before the one year being including applying Rule 34 of the Tamil Nadu Pension Rules.

6. If the date of birth of a person in the non-pensionable service cannot be correctly ascertained even by adopting the procedure laid down under Fundamental Rule, he may be sent to a Government Medical Officer, for estimating his age.

7. Ghat Talayaris who are whole-time Government servants will fall within the scope of these rules though these rules will not apply to village establishments of the Revenue Department.

8. In respect of service rendered before 1st April 1941 when no service rolls were maintained, certificate from the competent authority that the service claimed is established may be accepted as a sufficient evidence of such service.

9. When an increment accrues during the first four months of leave on average pay preparatory to retirement but is not drawn the gratuity may be worked out on the basis of increased rate of pay taking into account the undrawn increment.

10. Gratuities payable under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishments) Rules, 1941, shall with reference to S.R. 92 (b) under T.R. 16 be paid direct to the person entitled to receive it and not to the head of office or department in which that person formerly served.

11. Part-time Nurse will be eligible for gratuities under these rules.

12. Special pays other than those which are in the nature of deputation Special pays and deputation (local) allowances will count for purposes of gratuity under these rules.

PART – IV

TAMIL NADU CIVIL PENSION
(COMMUTATION) RULES, 1944.

PART- IV.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

RULES

1. These rules may be called the Tamil Nadu Civil Pensions (Commutation) Rules, 1944.

2. These rules apply to Government Servants under the rule-making control of the Government of Tamil Nadu and shall also apply to persons to whom the Tamil Nadu Civil Pensions (Commutation) Rules, 1934, would have applied, had those rules not being cancelled by Finance Department Notification No.7, dated 10th January 1939 published at page 64 of Part I of the Fort St. George Gazette, dated the 17th January 1939;

Provided that these rules shall not apply-

- (a) in the case of employees of local bodies whose pensions are regulated under Rule 93 of Tamil Nadu Pension Rules ; and
- (b) in the case of persons serving in connection with the affairs of the former Travancore-Cochin State who were allotted to the Tamil Nadu State under section 115 of the State Reorganisation Act, 1956 (Central Act 3 of 1956), and opted to be governed by the Travancore - Cochin State Pension Rules.

3. In these rules "sanctioning authority" means the authority competent to sanction commutation of pension and "Government" means the Government of Tamil Nadu.

4. The powers granted under these rules to sanction commutation of pension shall be exercised by the authority competent to sanction pension in respect of pensioners who are residing in the State of Tamil Nadu. In respect of pensioners who are residing in other States in India, the applications for commutation of pensions shall be sent to the Government for sanction in respect of persons who draw pension outside India, such powers shall be exercised by the High Commissioner for India in the United Kingdom. (With effect from 1st June 1964).

5. (1) A Government servant to whom these rules apply shall, subject to the conditions herein after specified, be allowed to commute for lump payment any portion, not exceeding one-half of the pension granted to him by Government;

Provided that -

The residue of the pension after the commutation, together with the uncommuted portion of any permanent pension or pensions payable to the Government servant by a local body or by the Government in India, shall not be less than -

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

- (i) One hundred rupees per mensem or two-thirds of the pension granted to him by Government, whichever is less in the case of a Government servant who at the time of his retirement held a permanent gazetted appointment; and fifteen rupees per mensem in the case of any other Government servant:
- (ii) Provided further that a Government servant who is governed by the Madras Liberalised Pension Rules, 1960, shall subject to the conditions in these rules, be allowed to commute for a lump-sum payment any portion not exceeding one-third of the pension granted to him by Government.

(2) Notwithstanding anything contained in sub-rule (1) sanctioning authorities may, in their discretion, refuse commutation of pension in the case of a pensioner who has been guilty of grave misconduct which would in their opinion have justified the withholding of his pension under Rule 8 of Part I of Tamil Nadu Pension Rules.

6. Applications for commutation of pensions shall be addressed.—

- (a) in the case of pensioners who are residing in the State of Tamil Nadu to the authority who sanctioned the pension;
- (b) in the case of pensioners who are residing in other States in India, or who, being resident in countries having an account current with the Accountant-General Central Revenues, draw their pensions from the local treasuries, to Government; and
- (c) in the case of all other pensioners to the High Commissioner for India, provided that in the case of pensioners residing in a country other than those referred to in clause (b), the application shall be addressed to the High Commissioner through the official from whom the pension is drawn.

NOTE. — The applications with reference to clause (a) shall be submitted through the pension disbursing authorities who shall forward them to the authority who sanctioned the pension through the Accountant-General, Tamil Nadu. Before forwarding the applications to the Accountant-General, Tamil Nadu, the Pension Disbursing Officers shall indicate clearly in their endorsements on the applications for commutation of pension, the designation of the pension sanctioning authorities. The Accountant General, shall specifically state in each case forwarded by him to the sanctioning authority whether the pension sanctioned was anticipatory or final one and, if anticipatory, the reasons therefor.

The applications with reference to clause (b) shall be submitted through the pension disbursing authorities who shall forward them to Government through the pension sanctioning authorities and the Accountant General, Tamil Nadu. The pension sanctioning authorities shall furnish their certificate in the applications whether disciplinary proceedings against applicants are pending or not. The Accountant-General shall also specifically state in each case forwarded by him to the Government whether the pension sanctioned was an anticipatory or final one and, if anticipatory, the reasons therefor. The applications of pensioners whose pensions have been sanctioned by the Government shall, however, be submitted by the pension disbursing authorities to the Accountant-General, Tamil Nadu.

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The applications with reference to clause (c) shall be referred by the High Commissioner to the pension sanctioning authorities for ascertaining whether disciplinary proceedings against the applicants are pending or not.

¹[Provided that in the case of retiring Government servant, the application for commutation shall be made at the time of application submitted for sanction of pension.]

7. (1) No commutation shall be sanctioned unless such medical authority as may be prescribed in this behalf by sanctioning authority certifies that the pensioner's bodily health and prospects of duration of life are such as to justify commutation.

²[Provided that no such certificate of medical authority shall be necessary in the case of a pensioner who applies for commutation within a period of one year from the date of his retirement on superannuation, ³[voluntary retirement and compulsory retirement] ⁴[other than as a measure of punishment].]

⁵[Provided further that no such certificate of medical authority shall also be necessary in the case of a pensioner who is granted pension in whole or in part after conclusion of departmental or judicial proceedings which have been instituted and are continued after retirement and who applies for commutation within a period of one year from the date of orders issued on the conclusion of such proceedings.]

⁶[Provided also that in a case where there is delay in the ⁷[issue of Pension Payment Orders], the pensioner shall apply for commutation within a period of one year from the date issue of Pension Payment Orders.]

(2) The certifying medical authority shall subject the pensioner to a strict medical examination requiring him to furnish such information as to his health and habits as is usually required of person proposing to assure their lives in assurances companies and report in such form as may be prescribed by Government.

¹ Proviso to Rule 6 added - G.O.Ms.No.520, Finance (Pension) Department, dated 21-08-1996 with effect from 31st July 1985.

² Proviso to Rule 7 added - G.O.Ms.No.553, Finance (Pension) Department, dated 10-07-1995 with effect from 28th February 1978.

³ Proviso to Rule 7 for the expression "retirement on superannuation", the expression "retirement on superannuation and voluntary retirement" substituted - G.O.Ms.No.554, Finance (Pension) Department, dated 10-07-1995 with effect from 30th December 1981.

⁴ Third Proviso to Rule 7 for the expression "retirement on superannuation and voluntary retirement", the expression "retirement on superannuation, voluntary retirement and compulsory retirement other than as a measure of punishment" substituted - G.O.Ms.No.556, Finance (Pension) Department, dated 10-07-1995 with effect from 7th September 1987.

⁵ Second Proviso to Rule 7 added - G.O.Ms.No.554, Finance (Pension) Department, dated 10-07-1995 with effect from 30th December 1981.

⁶ Third Proviso to Rule 7 added - G.O.Ms.No.555, Finance (Pension) Department, dated 10-07-1995 with effect from 2nd February 1983.

⁷ First Proviso to Rule 7 for the expression "issue of orders sanctioning the pension", the expression "issue of Pension Payment Orders" substituted - G.O.Ms.No.556, Finance (Pension) Department, dated 10-07-1995 with effect from 7th September 1973.

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(3) If the pensioner furnishes any information found to be false within his knowledge or wilfully suppresses any material fact in answer to any question, written or oral, put to in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such a statement or suppression may be treated as grave misconduct for the purpose of Rule 8 of Part I of Tamil Nadu Pension Rules.

8. The lumpsum payable on commutation shall be calculated in accordance with the table or tables of present values which may be prescribed from time to time by Government.

Explanation.- For the purpose of calculating the lump sum payable on commutation – The age in the 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.

NOTE.- The lumpsum payable on commutation to Government servants who have served under more than one Government when the commutation tables applies 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 servants who are temporarily lent by one Government to another, the Commutations 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.

9. Commutation when sanctioned shall take effect on a date to be specified in the order. Such date shall ordinarily be about one month later than the date of the order; and all calculations shall be made with reference to the date so specified.

Payment of the commuted portion of the pensions shall cease from the date specified and the sum payable on commutation shall be paid on that date or as soon afterwards as possible.

The applicant may withdraw his application by written notice despatched at any time before his medical examination is due to take place.

Where the table of present values applicable to an applicant has been modified between the date of the order sanctioning the commutation and the date on which the commutation takes effect, 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 dates on which he receives notice of the modification.

NOTE 1.- A pensioner whose application for the commutation of a portion of his pension is expressed as a percentage or fraction of the total pension admissible to him and is allowed in the first instance to commute such percentage or fraction of his anticipatory or provisional pension, shall, in the event of his final pension being more than his anticipatory or provisional pension be allowed to commute a further sum, without producing a fresh certificate of medical examination, so as to make the commuted amount equal to the specific percentage or fraction of the

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 201
RULES, 1944**

amount of pension as finally sanctioned. In such cases commutation as finally sanctioned shall also take effect from the date of the original commutation of the anticipatory or provisional pension and the amount of residual pension shall also be readjusted from the same date.

NOTE 2.- A pensioner who is allowed provisionally to commute a portion of his pension not exceeding Rs.40 and who anticipated that the final amount of pension that he would be entitled to commute might exceed Rs.40 shall indicate that fact in his application, in case he desires to commute a sum exceeding Rs.40. The sanctioning authority shall, in such cases, arrange for medical examinations as if the amount to be commuted exceeds Rs.40. In case such fact is not indicated, the Government servant shall be permitted, on finalisation of the amount of his pension to commute the difference between the amount of pension originally commuted and Rs.40 without further medical examination, if the original amount commuted exceeds together with the difference referred to does not exceed Rs.40. If the same exceeds Rs.40 the commutation of any further sum, if admissible shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

¹[NOTE 3.- No Government servant against whom departmental or judicial proceedings have been instituted shall be eligible to commute a fraction of the provisional pension during the pendency of such proceedings.]

²[Provided that in the case of retiring Government servant, the procedure for the sanction and payment of commuted value of pension shall be as follows:-

- ³[(i) the administrative sanction for the payment of commutation of pension shall not be necessary ⁴[***]. The Accountant General shall authorize the amount admissible under commutation of pension straightaway based on the application submitted by the Government servants or pensioners;]
- (ii) commutation shall become absolute on the date of application by the retiring Government servant or the day following the date of his retirement, whichever is later;
- (iii) the lumpsum amount payable to the retiring Government servant shall be calculated with reference to the table of values applicable to him on the date on which commutation becomes absolute;

¹ Rule 9 Note 3 added - G.O.Ms.No.784, Finance (Pension) Department, dated 16-09-1994 with effect from 30th June 1992.

² Proviso with Explanation to Rule 9 added - G.O.Ms.No.520, Finance (Pension) Department, dated 21-08-1996 with effect from 31st July 1985.

³ Rule 9 in the proviso for items(i) substituted - G.O.Ms.No.525, Finance (Pension) Department, dated 26-08-1996 with effect from 17th August 1987.

⁴ Rule 9 in the proviso for items(i), the words "except the case referred to the concurrence of Medical Board for sanction of commutation of pension" omitted - G.O.Ms.No.526, Finance (Pension) Department, dated 26-08-1996 with effect from 11th August 1993.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

- (iv) the commuted value of pension shall be authorized by the Accountant General along with the issue of Pension Payment Order. In respect of advance cases, the commutation shall be authorized to be effective from the date of commencement of pension;
- (v) where pension is sanctioned without pre-check by the Accountant General, the pension sanctioning authority shall indicate in the sanction order about the portion of pension proposed for communication and the same shall be scrutinized and authorized by the Accountant General; and
- (vi) the reduction in pension consequent on the communication shall be given effect from the date of drawal of commuted value of pension by the pensioner or at the end of three months after the issue of authorization by the Accountant General for the payment of commuted value of pension, whichever is earlier.

Explanation – For the purpose of item (iv), the date of effect shall be as follows:-

- a) Pension Pay Office, Chennai and Treasury Office where cheque System is in vogue : The date on which cheque is issued for payment of commuted value of pension to the pensioner.
- (b) Banking Treasuries and Sub-Treasuries where the cheque system is not in vogue. : The date on which the bill is sent to the Bank duly passed for payment of commuted value of pension to the pensioner.
- (c) Non-Banking Sub-Treasuries : The date on which the payment of commuted value of pension is made to the pensioner.]

¹[9-A. Where the Government permit second or subsequent commutation of pension consequent on the increase in pension, the Accountant General, Tamil Nadu shall be empowered to authorise the amount admissible straightaway based on the application submitted by the pensioner through the Pension Disbursing Authority subject to the following conditions, namely:-

- (a) the Commutation of Pension shall become absolute on the date of application;
- (b) the lump sum payable to the pensioner shall be calculated in accordance with the table of values applicable to the individual on the date on which the communication of pension become absolute; and
- (c) the reduction in pension shall take effect from the date of drawal of commuted value of pension or at the end of the three months, after the issue of the authorisation by the

¹ Rule 9-A added - G.O.Ms.No.30, Finance (Pension) Department, dated 09-01-1996 with effect from 13th January 1987.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 203
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Accountant General, Tamil Nadu for the payment of
commuted value of pension, whichever is earlier.]

10. The lump sum in cases in which application is addressed to Government shall be payable in India; in all other cases it shall be payable by the High Commissioner for India in the United Kingdom; the rate of exchange for conversion of the lump sum, where the question of conversion arises, shall be such rate as the President may by order prescribe.

11. A commutation once given effect to cannot be rescinded, that is, the portion of a pension commuted cannot be restored on refund of its capitalized value.

¹ Provided that the portion of a pension commuted shall be restored in full irrespective of the date of commutation in the case of a pensioner who has completed a period of fifteen years as on the 1st April 1981 from the date of his retirement and in the case of other pensioners, as and when they complete a period of fifteen years from the date of their retirement.

² Provided that the portion of a pension commuted shall be restored in full as and when a pensioner completes a period of fifteen years from the date of his retirement where such commutation is effective during the first month of his retirement and in other cases as and when he completes a period of fifteen years from the date on which reduction in pension on account of such commutation becomes effective.

³ [12. (1) The Pensioner shall make a nomination in the Annexure-III along with the application for Commutation of Pension conferring on one or more persons the right to receive the commuted value of pension in the event of the death of the pensioner without receiving the commuted value on or after the date on which commutation becomes absolute.

(2) If there is no such nomination, or if the nomination made does not subsist, the commuted value shall be paid to the family in the manner indicated in sub-rule 46 of the Tamil Nadu Pension Rules, 1976.

(3) If in any case the commuted value cannot be paid in the manner indicated in sub-rules (1) and (2), the same shall be paid to the heirs of the deceased pensioner.]

¹ Proviso to Rule added - G.O.Ms.No.548, Finance (Pension) Department, dated 06-07-1995 with effect from 1st April 1981.

² Proviso to Rule added - G.O.Ms.No.551, Finance (Pension) Department, dated 06-07-1995 with effect from 7th December 1990.

³ Rule 12 substituted - G.O.Ms.No.285, Finance (Pension) Department, dated 07-04-1995 with effect from 20th October 1987.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

[COMMUTATION TABLE, PRESCRIBED UNDER RULE 7 OF THE CIVIL PENSION (COMMUTATION) RULES, ADOPTED BY THE GOVERNMENT OF TAMIL NADU WITH EFFECT FROM THE 1ST DECEMBER 1963.

(See Rule 8.)

Commutation value for a pension of rupee one per annum.

Age next birthday	Commutation value expressed as number of years' purchase.	Age next birthday.	Commutation value expressed as number of years' purchase
(1)	(2)	(1)	(2)
17	19.28	52	12.66
18	19.20	53	12.35
19	19.11	54	12.05
20	19.01	55	11.73
21	18.91	56	11.42
22	18.81	57	11.10
23	18.70	58	10.78
24	18.59	59	10.46
25	18.47	60	10.13
26	18.34	61	9.81
27	18.21	62	9.49
28	18.07	63	9.15
29	17.93	64	8.82
30	17.78	65	8.50
31	17.62	66	8.17
32	17.46	67	7.85
33	17.29	68	7.53
34	17.11	69	7.22
35	16.92	70	6.91
36	16.72	71	6.60
37	16.52	72	6.30
38	16.31	73	6.01
39	16.09	74	5.72
40	15.87	75	5.44
41	15.64	76	5.17
42	15.40	77	4.90
43	15.15	78	4.65
44	14.90	79	4.40
45	14.64	80	4.17
46	14.37	81	3.94
47	14.10	82	3.72
48	13.82	83	3.52
49	13.54	84	3.32
50	13.25	85	3.13
51	12.95		

Note: This table is based on a rate of interest of 4.00 per cent per annum and takes effect from the 1st December, 1963.]

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 205
RULES, 1944**

[COMMUTATION TABLE, PRESCRIBED UNDER RULE 7 OF THE CIVIL
PENSION (COMMUTATION) RULES, ADOPTED BY THE GOVERNMENT OF
TAMIL NADU WITH EFFECT FROM THE 1ST JANUARY 2006.

(See Rule 8.)

Commutation value for a pension of rupee one per annum.

Age next birthday	Commutation value expressed as number of years' purchase.	Age next birthday.	Commutation value expressed as number of years' purchase
(1)	(2)	(1)	(2)
20	9.188	51	8.808
21	9.187	52	8.768
22	9.186	53	8.724
23	9.185	54	8.678
24	9.184	55	8.627
25	9.183	56	8.572
26	9.182	57	8.512
27	9.180	58	8.446
28	9.178	59	8.371
29	9.176	60	8.287
30	9.173	61	8.194
31	9.169	62	8.093
32	9.164	63	7.982
33	9.159	64	7.862
34	9.152	65	7.731
35	9.145	66	7.591
36	9.136	67	7.431
37	9.126	68	7.262
38	9.116	69	7.083
39	9.103	70	6.897
40	9.090	71	6.703
41	9.075	72	6.502
42	9.059	73	6.296
43	9.040	74	6.085
44	9.019	75	5.872
45	8.996	76	5.657
46	8.971	77	5.443
47	8.943	78	5.229
48	8.913	79	5.018
49	8.881	80	4.812
50	8.846	81	4.611

(Basis: LIC (14-96) Ultimate Tables and 8.00% Interest)]

¹ Table inserted -G.O.Ms.No.318, Finance (Pension) Department, dated 23-07-2009.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

REGULATIONS GOVERNING THE PROCEDURE FOR COMMUTATION OF PENSIONS

1. The application for commutation should be made in the form appended to the commutation Rules as Annexure-I through the Pension Disbursing Authorities who shall forward them to the authority who sanctioned the pension through the Accountant General, Tamil Nadu. Applicants who are residing in other States in India should submit their applications through the Pension Disbursing Authorities who shall forward them to the Government through the authority who sanctioned the pension and the Accountant General, Tamil Nadu. The applications of pensioners, whose pensions have been sanctioned by the Government shall however be submitted by the Pension Disbursing Authorities to the Accountant General, Tamil Nadu who shall forward them to the Government. Applications for commutation of pensions should be forwarded to the sanctioning authority only after the pension or anticipatory pension, as the case may be, is sanctioned by the competent authority. In the case, however of officers to whom the Civil Pension (Commutation) Rules issued by the President apply, applications, if any, for commutation of pension received by the Accountant General should be forwarded to Government along with the application for pension.

¹[NOTE.1 :- Two copies of photographs of the pensioner shall be submitted along with the application for commutation of pension where the certificate of medical authority as specified in sub-rule (1) of rule 7 shall be necessary. Out of these, one copy duly attested shall be pasted on the application form itself (Annexure-I) and the other copy loosely attached to it.]

NOTE.2 :- In the case of applications for commutation of pension from pensioner drawing an invalid pension the number and date of the Government Order sanctioning the pension should be indicated in cases where such pension was sanctioned by the Government.

²[Provided that in the case of retiring Government servant, the application for commutation shall be made at the time of application submitted for sanction of pension.]

2. Applicants for commutation of pension will not be allowed to select their own medical officers. They will be ordered to appear for medical examination before the District Medical Officer of the district in which they draw their pensions or any other medical officer selected by the pension sanctioning authority.

The applicants shall be sent for medical examination before the Standing Medical Board in all cases of commutation --

- (i) of invalid pensions irrespective of the amount: and
- (ii) in cases where the amount to be commuted inclusive of the amounts already commuted exceeds Rs.40.

¹ Note 1 to Regulation 1 substituted - G.O.Ms.No.557, Finance (Pension) Department, dated 10-07-1995 with effect from 23rd July 1986.

² Proviso to Regulation 1 added - G.O.Ms.No.520, Finance (Pension) Department, dated 21-08-1996 with effect from 31st July 1985.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 207
RULES, 1944**

In the case of an applicant who has been granted an invalid pension, the grounds of invaliding or the statement of the medical case shall be communicated to the certifying medical authority before the certificate is signed. A copy of the previous medical report or reports, if any, relating to applicant for commutation of pension shall always be communicated to the certifying medical authority when a medical report is called for from him on a subsequent application for commutation.

The report of medical examination whether by single medical officer or by the Standing Medical Board should be sent in the form annexed (Annexure-II). When the medical examination is made by a single medical officer, the report in duplicate with the connected records should be sent confidentially to the Secretary to the Standing Medical Board, General Hospital, Madras. The Secretary of the Board should forward to pension sanctioning authority through the Accountant-General, the connected records and one copy of the medical report with the opinion of the Standing Medical Board recorded thereon.

NOTE. 1- The medical report of an applicant for commutation residing outside the State shall also, ordinarily be in the form prescribed in Annexure-II.

NOTE.2- The copy of the unattested photograph received with the application shall be sent with the application to the Medical Officer/Standing Medical Board before whom the applicant is directed to appear for Medical Examination. The Medical Officer/Standing Medical Board shall attest the unattested copy of the photograph of the pensioner immediately after the Medical Examination is over and it shall be returned to the pension sanctioning authority with the connected records in the matter prescribed in the last sub-paragraph of the above rule.

3. No fee shall be charged for medical examination for commutation of pension. If the pensioner is examined by a Medical authority outside the State, he shall pay to that authority such fees as may be required of him.

4. A pensioner whose application for commutation of pension is rejected either on the recommendation of a Medical authority that he is not a fit subject for commutation of pension or for the reason that he has declined to accept commutation on the basis of addition to the actual age, as recommended by the medical authority will be allowed one re-examination by the Medical Board at his cost, provided that an interval of not less than one year has elapsed between the first medical examination and that of the second. The Medical Board re-examining the pensioner will be furnished with a copy of the report of the medical authority which previously examined him.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

¹[5. ²The restoration of commuted portion of pension by a pensioner shall be made subject to the following conditions, namely:-

- (a) A pensioner need not submit any application for the restoration of the commuted portion of the pension.
- (b) The Pension Disbursing Authority shall make entry while sanctioning the commutation of pension, the date on which the commuted portion of the pension can be restored in the records maintained in the office and also in the copy of the pensioner's Pension Payment Order with his attestation.
- (c) The Pension Disbursing Authority shall restore the commuted portion of the pension on the due date and make payment consequent on the restoration of the pension.
- (d) The Pension Disbursing Authority shall send a return statement to the Accountant General, Tamil Nadu in Annexure-IV.
- (e) The Accountant General, Tamil Nadu shall incorporate the condition that the pension once commuted and restored cannot be commuted again in the commutation authorization].]

ANNEXURE-I

FORM OF APPLICATION FOR COMMUTATION OF PENSION

I, _____ desire to commute Rs. _____ np. _____ out of my * original pension reduced _____ of Rupees _____ np. _____ a month. I certify that I have correctly answered each and all of the questions below. My pension payment order number is _____ and my pension is now being drawn from treasury.

Place :

Date :

Signature

Designation

Address

Corporation Division Number if residing in Chennai City.

* Here enter the class of pension – Superannuation , Retiring, Invalid or Compensation. The word “original” or “reduced” should be scored out according as the circumstances require.

¹ Regulation 5 added - G.O.Ms.No.67, Finance (Pension) Department, dated 25-01-1996 with effect from 4th May 1981.

² Regulation 5 substituted - G.O.Ms.No.68, Finance (Pension) Department, dated 25-01-1996 with effect from 1st February 1987.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 209
RULES, 1944**

Questions

Answers

1. What is the date of your birth?
2. How much of your pension do you wish to commute?

NOTE.1:The portion of the pension to be commuted should consist of whole rupees or of rupees and a multiple of five paise. Commuted values shall also be rounded off to the nearest multiple of 5 paise.

NOTE.2:In the case of anticipatory pension, the pensioner may, if he so desires indicate his intention to commute the maximum amount in the event of his final pension being more than the anticipatory pension. In such a case, the amount proposed to be commuted may, alternatively, be expressed in terms of a percentage of full pension within the maximum permissible limit. The Pensioner may also indicate whether he anticipates that the final amount of pension that he would be entitled to commute might exceed Rs. 40 in case he desires to commute a sum exceeding Rs.40.

3. Do you suffer from any complaint likely to shorten life? If so, state its nature.
4. Name the members of your family dependent on you with their respective sex and ages
5. What is the date of your retirement?
6. Whether any portion of your pension has already been commuted and whether any previous applications made by you was rejected on medical grounds?
7. State the amount of Provident Fund money (including any non-refundable withdrawals) and the amount of death-cum-retirement gratuity received by you.
8. Name of the Accounts Officer who authorized the payment of Provident Fund money (including any non-refundable withdrawals) and death-cum- retirement gratuity to you.

Signature

Place :

Date :

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

ENDORSEMENT OF THE PENSION DISBURSING OFFICER.

Forwarded to the Secretary to Government, Finance (Pension) Department,
Pension Sanctioning Authority through the Accountant-General.

The pension is chargeable to

The amount and class of pension and the date of birth of the pensioner have
been verified from the disburser's half of the Pension Payment Order.

I have verified from the Pension Payment Register that no portion of his
pension was previously commuted / Rs. out of the original pension of
Rs. was commuted for Rs. on

The identification marks of pensioner are given below:-

Place :

Date :

Designation.
Pension Disbursing Officer

Certificate of the Pension Sanctioning Authority whether disciplinary proceedings
against the applicant are pending or not (vide) Note under rule 6 of the Madras Civil
Pensions (Commutation) Rules, 1955. (This certificate need not be furnished in the
case of the applicants whose pensions have been sanctioned by the Government).

PENSION SANCTIONING AUTHORITY.

Place :

Date :

Designation.

To

The Accountant-General, Tamil Nadu,

Office of the Accountant-General
Chennai-18.

Dated :

Forwarded:

1. No portion of pension has been previously commuted.
2. No. application for commutation was rejected on medical grounds.
3. Previous application for commutation was rejected on medical ground in G.O.Ms.No. Finance, dated
4. Rs. p. out of the original pension of Rs. p. was previously commuted in G.O.No. Finance, dated
5. Pension sanctioned in G.O.Ms.No. , Finance, dated

The pension is final/anticipatory.

6. Other remarks, if any.

Assistant Accounts Officer.

To

The Secretary to Government of Tamil Nadu
Finance (Pension) Department, Chennai-9.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 211
RULES, 1944**

ANNEXURE-II

MEDICAL REPORT FOR COMMUTATION OF PENSION.

A. Statement to be filled in by the applicant for commutation of a portion of his pension under the Tamil Nadu Civil Pensions (Commutations) Rules, 1944.

**Medical Report Form for Commutation of Pension "Medical Examination
by the
(here enter the Medical Authority)**

PART-I

Statement to be filled in by the applicant for commutation or a portion of his pension under the Tamil Nadu Civil Pension (Commutation) Rules 1944.

The applicant must complete this statement prior to his examination by the
..... (here enter the Medical Authority)
and must sign the declaration appended thereto in the presence or that authority.

1. State your name in full
(in Block letters) :
2. State place of Birth :
3. State your age and date of Birth :
4. Furnish the following particulars
concerning your family :

Father's age if living and state of health	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead their ages at and cause of death
(1)	(2)	(3)	(4)

Mother's age if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at and cause of death
(5)	(6)	(7)	(8)

5. Have you ever been examined —
 - a) for life insurance or/and :
 - b) by any Government Medical
Officer or State Medical Board, :
If so state details and with that
result?

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

6. Have you ever been granted leave on :
medical certificate in the previous
five years? If so, state periods of
leave and nature of illness?

7. Have you ever —

(a) had small pox, intermittent or any :
other fever, enlargement, or
suppuration of glands, spitting of
blood asthma, inflammation of lungs,
pleurisy, heart disease, fainting,
attacks, rheumatism, appendicitis,
epilepsy, insanity? other nervous
disease, discharge from or other
disease of the ear, syphilis
gonorrhoea; or

(b) had any other disease or injury :
which required confinement to bed or
medical or surgical treatment; or

(c) undergone any surgical operation; or :

(d) suffered from any illness, wound or :
injury sustained while on active
service during war?

8. Have you hernia? :

9. Have you varicocoele, varicose :
veins if piles?

10. Is your vision in each eye good? :

11. Is your hearing in each ear good? :

12. Have you any congenital or :
acquired malformation, defect or
deformity?

13. Is there any further matter :
concerning your health not
covered by the above question
such as presence of albumen or
sugar in the urine, marked
increase or decrease in your
weight in the last three years or
being under the treatment of any
doctor within the last three months
and the nature of illness for which
such treatment was taken.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 213
RULES, 1944**

DECLARATION BY APPLICANT

(To be signed in presence of the Medical authority).

I declare all the above answers to be, to the best of my belief, true and correct.

I will fully reveal to the Medical authority all circumstances with my knowledge that concern my health and fitness.

I am fully aware that by willfully making a false statement or concealing a relevant fact, I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under rule 8 of the Tamil Nadu Pension Rules, 1978.

Signed in the presence of

Applicant's Signature

Signature and designation of Medical Authority.

PART.II

(To be filled in by the examining medical authority)

General examination:-

1. Apparent age.
2. Height.
3. Weight.
4. Pulse rate.
 - (a) Sitting.
 - (b) Standing.

What is the character of pulse?

5. Blood pressure.
 - (a) systolic.
 - (b) distolic.
6. Is there any evidence of disease, of the main organs –
 - (a) Heart.
 - (b) Lungs.
 - (c) Liver.
 - (d) Spleen.
 - (e) Kidney.
7. Investigations –
 - (i) Urine.
 - (ii) Blood.
 - (iii) X-Ray Chest.
 - (iv) E.C.G.

(State specific gravity)

8. Has the applicant a hernia? If so, state :
the kind and if reducible.
9. Describe any scars or identifying marks :
10. Any additional information. :

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

PART.III

I/we have carefully examined Thiru/Thirumathi/Selvi.....
..... and am/are of opinion that –
he/she is in good bodily health and has the prospect of an average duration of
life;

OR

he/she is not in bodily health and is not a fit subject for commutation;

OR

although he/she is suffering from he/she is considered
a fit subject for commutation but his/her age for the purpose of commutation, namely,
the age next birth day should be taken to be(in words) years more
than his/her actual age.

Station :

Dated :

[Countersigned in cases where Regulation 7 (ii) (b) (2) applies]]

Left hand thumb and finger impressions of Government Servant (in the case of
illiterate persons only)

(Signature and designation of examining medical authority)

(Reviewing Medical Authority)".

(G.O.Ms.No.545, Finance (BG-III) Department, dated 08-07-1996)

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 215
RULES, 1944**

^{1, 2}[ANNEXURE-III]

(See rule 12)

NOMINATION FOR COMMUTATION OF PENSION.

(See rule 12)

I, _____ (Name of the Pensioner in Capital Letters)
hereby nominate the person / persons named below under Rule 12 of Tamil Nadu
Civil Pensions (Commutation) Rules, 1944.

Name and Address of the Nominee(s)	Relationship with Pensioner	Date of Birth / Age	Name and Address of other nominee in case the nominee under column(1) predeceases the pensioner	Relationship with pensioner	Date of Birth / Age	Contingency on happening of which nomination shall become invalid.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

NOTE: If nominee / alternate is minor, furnish the name and address of person who may receive the arrears of commutation of pension.

Place :

Signature of the Subscriber.

Date :

Signature of two witnesses with Name and Address:

1. :

2. :

-/ Countersigned /-

Signature of Head of Office.

Office Address]

Note—For the purpose of nomination, the family member as defined in the sub-rule (5) of rule 45 of Tamil Nadu Pension Rules, 1978 shall be nominated.]

¹ Annexure-III added - G.O.Ms.No.285, Finance (Pension) Department, dated 07-04-1995 with effect from 7th April 1995.

² Annexure-III substituted - G.O.Ms.No.454, Finance (Pension) Department, dated 15-09-2009.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

¹[ANNEXURE-IV.

(See regulation 5)

**FORM FOR APPLICATION OF RESTORATION OF COMMUTED
PORTION OF PENSION.**

1. Name of the Pensioner :
2. Pension Payment Order Number :
3. Date of Retirement :
4. Date of commencement of Pension :
5. Amount of Original Pension :
 - (a) Amount commuted :
 - (b) Date of effect of reduced Pension :
 - (c) Amount of reduced Pension :
6. Date of completion of fifteen years after retirement :
7. Date of restoration of Original Pension :
8. Amount of Pension after restoration :
9. Name of Treasury / Sub-Treasury / Pension Pay Officer, Chennai from which pension is now drawn :

Signature of Applicant.]

¹ Annexure-IV to Regulation 5 added - G.O.Ms.No.67, Finance (Pension) Department, dated 25-01-1996 with effect from 4th May 1981.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 217
RULES, 1944**

[ANNEXURE-V

(See regulation V)

FORM FOR RESTORATION OF COMMUTED PORTION OF PENSION.

Name of the Pensioner	Department	Pension Payment Number and Original Pension	Amount Commuted
(1)	(2)	(3)	(4)

Date of Birth	Date of Retirement	Date of completing 15 years from the date of retirement	Amount of Pension fixed on restoration	Date of commencement of restored Pension
(5)	(6)	(7)	(8)	(9)

¹ Annexure-IV to Regulation 5 substituted - G.O.Ms.No.68, Finance (Pension) Department, dated 25-01-1996 with effect from 1st February 1987.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944.

Instructions for the guidance of Sanctioning Authorities.

1. In cases where the amount to be commuted inclusive of amounts already commuted exceeds Rs.40, the applicant shall be sent for medical examination before the Standing Medical Board. An applicant who has been granted an invalid pension shall also be sent for medical examination before the Standing Medical Board. A pensioner whose application for commutation of pension is rejected either on the recommendation of a medical authority that he is not a fit subject for commutation of pension or for the reason that he has declined to accept commutation on the basis of addition to the actual age as recommended by the medical authority should always be sent for medical examination before the Standing Medical Board.

2. A certified copy of the previous medical report should be furnished to the Medical Board when a pensioner whose application for commutation of pension was rejected once is asked to appear before the Medical Board.

3. In cases where the amount to be commuted inclusive of the amounts already commuted does not exceed Rs. 40, the applicant shall be sent for medical examination before the District Medical Officer of the district in which the applicant is residing.

4. The sanctioning authorities should satisfy themselves that there are no disciplinary proceedings pending against the applicants concerned before arranging for their medical examination.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 219
RULES, 1944**

FORMS FOR USE BY SANCTIONING AUTHORITIES

*Form to be used where the pensioner desire to commute on amount
exceeding Rs. 40 or where the application was once rejected.*

PROCEEDINGS OF THE.....

Dated

Pension – Commutation – Application from
.....Medical Examination.

is informed that his age next birth-day being taken to be years, the capitalized value of Rs..... of his pension will amount to about Rs..... The amount will be less, if the medical certificate directs any addition to his age; the table of present values on the basis of which the amount has been calculated is subject to alteration at any time without notice and consequently the amount calculated is liable to revision. In the case of his willingness to accept commutation on the terms specified, he should appear before the Standing Medical Board, Government General Hospital, Madras for medical examination.

2. The Secretary to the Standing Medical Board is requested to subject the pensioner (whose identification marks are given in the application for commutation) to a strict medical examination, requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives in Assurance Companies and to send a report in the form prescribed in G.O.No.348, Fin. (Pension), dated the 1st June 1934 along with the application for commutation confidentially to this office through the Accountant-General.

3. The Secretary to the Standing Medical Board is requested to return the commutation papers to this office if the applicant fails to appear for medical examination on the date fixed by him.

To Thiru

To

The Secretary, Standing Medical Board, Government General Hospital,
Chennai (with the application in original to be returned).

Copy to the Accountant General, Tamil Nadu.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) ,
RULES, 1944**

Form to be used in the case of an applicant who has been granted an invalid pension

PROCEEDINGS OF THE

Dated

Pension — Commutation — Application from.....
..... Medical Examination.

is informed that his age next birth-day being taken to be years, the capitalized value of Rs.....of his pension will amount to about Rs.....
The amount will be less, if the medical certificate directs any addition to his age, the table of present values on the basis of which the amount has been calculated is subject to alteration at any time without notice and consequently the amount calculated is liable to revision. In the case of his willingness to accept commutation on the terms specified he should appear before the Standing Medical Board, Madras, for medical examination.

2. The Secretary to the Standing Medical Board is requested to subject the pensioner (whose identification marks are given in the application for commutation), to a strict medical examination requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives in Assurance Companies and to send a report in the form prescribed in G.O.No.348, Finance (Pension), dated the 1st June 1934 along with the application for commutation confidentially to this office through the Accountant-General.

3. With reference to item 2 of the Regulations governing the procedure for commutation of pension, the Board is requested to see the medical certificate invalidating the applicant and to record the fact of having done so in the report referred to in paragraph 2 above. A certified copy of the original invalidating certificate is enclosed for perusal by the Board and return.

The Secretary to the Standing Medical Board is requested to return the commutation papers to this office if the applicant fails to appear for medical examination on the date fixed by him.

To Thiru

To The Secretary, Standing Medical Board, Government General Hospital,
Chennai (with the application in original to be returned).

Copy to the Accountant General, Tamil Nadu.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 221
RULES, 1944**

*Form to be used in the case of an applicant whose pension exceeds
Rs. 30 per mensem and who is residing outside the Madras City.*

PROCEEDINGS OF THE.....

Dated.....

Pension – Commutation – Application from.....
..... Medical Examination.

is informed that this age next birth-day being taken to be years, the capitalized value of Rs.....of his pension will amount Rs..... The amount will be less, if the medical certificate directs any addition to his age, the table of present values on the basis of which the amount has been calculated is liable to revision. If he wishes to commute his pension on these terms, he should appear before the to be examined within one month from the date of these Proceedings.

2. The Medical Officer is requested to subject the pensioner (whose identification marks are given in the application for commutation) to a strict medical examination, requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives in assurance companies and to send a report in the form prescribed in G.O. No.348, Finance (Pension), dated the 1st June 1934 in duplicate with the application for commutation confidentially to the Secretary to the Standing Medical Board, Government General Hospital, Madras.

3. The Medical Officer is requested to return the commutation papers to this office if the applicant fails to appear for medical examination within the time specified in paragraph 1 above.

To Thiru

To The District Medical Officer (with the application in original to be returned by registered post).

Copy to the Accountant General, Tamil Nadu.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION)
RULES, 1944**

**FORM TO BE USED IN THE CASE OF AN APPLICANT WHOSE PENSION
EXCEEDS Rs. 30 PER MENSEM AND WHO IS RESIDING IN MADRAS CITY.**

PROCEEDINGS OF THE

Dated

Pension – Commutation Application from

..... Medical Examination.

is informed that his age next birth day being taken to be years, the capitalized value of Rs. of his pension will amount to about Rs. The amount will be less if the medical certificate directs any addition to his age. The table of present values on the basis of which the amount has been calculated is subject to alteration at any time without notice and consequently the amount calculated is liable to revision. If he wishes to commute his pension on these terms, he should appear before the

to be examined within one month

from the date of these Proceedings.

2. The Medical Officer is requested to subject the pensioner (whose identification marks are given in the application for commutation) to a strict medical examination, requiring him to give such information as to his health and habits as is usually supplied by persons proposing to assure their lives in assurance companies and to send a report in form prescribed in G.O.No.348, Finance (Pension), dated the 1st June 1934 in duplicate with the application for commutation confidentially to the Secretary to the Standing Medical Board, Government General Hospital, Madras.

3. The Medical Officer is requested to return the commutation papers to this office if the applicant fails to appear for medical examination within the time specified in paragraph 1 above.

To Thiru

To The Medical Officer.

(with the application in original to be returned by registered post)

Copy to the Accountant General, Tamil Nadu.

**THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 223
RULES, 1944**

FORM TO BE USED FOR SANCTIONING COMMUTATION OF PENSIONS

PROCEEDINGS OF THE.....

Dated

Pension – Commutation – Thiru
– Sanctioned .

Read : From the A.G.P. Com.

commute Rs. of his of his is permitted
per mensem. of his pension to
pension of Rs.

2. The sanction takes effect from the Present
monthly pension of Rs. will, in
consequence if the commutation be reduced to Rs.
(Rupees only) with effect from that date.

3. The Accountant General is requested to pay the sum of
Rs. (Rupees only)
the amount payable in commutation.

The table of present values on the basis of which the amount has been
calculated is subject to alteration at anytime without notice and consequently the
amount sanctioned is liable to revision before payment is made.

4. If the pensioner is re-employed under Government the Accountant-
General is requested to take necessary steps, where necessary, in consultation with the
authority concerned to reduce the pay allowed to him on re-employment.

To
The Accountant -General,
82-C, Mount Road,
Chennai 600 018.

To
Thiru

APPENDIX-I

THE TAMIL NADU COMPASSIONATE GRATUITIES RULES, 1932.

APPENDIX.I

THE TAMIL NADU COMPASSIONATE GRATUITIES RULES, 1932.

RULES.

1. (1) These rules may be called the Tamil Nadu Compassionate Gratuities Rules, 1932.

(2) They shall apply to all non-gazetted Government Servants other than those to whom the Tamil Nadu Pension Rules and the Extraordinary Pension Rules, Tamil Nadu apply.

(3) They shall come into force on 1st May 1932.

2. For purposes of these rules –

(i) 'family' includes the Government Servant's wife, legitimate children, step-children, parents, sisters and minor brothers, who had been wholly dependent on him : and

(ii) 'pay' means the pay drawn by the Government Servant at the time of his death or retirement, as the case may be.

(iii) 'Government' means the Government of Tamil Nadu.

3. The Government may, subject to the provisions of these rules, grant a compassionate gratuity to the family of a Government Servant who dies while in actual service or within six months after the retirement:

Provided that the family of a person who has received a gratuity under Part I of the Tamil Nadu Pension Rules shall not be eligible for any compassionate gratuity.

NOTE:- Compassionate gratuity will be admissible to the legal heir(s) of deceased pensioner in addition to arrears of pension in cases where the pensioner dies within a period of six months from the date of retirement

4. Compassionate gratuity shall be granted only when the deceased Government Servant had rendered meritorious service or where his death was due to special devotion to duty.

5. Notwithstanding anything contained in rule 4, Government may grant a compassionate gratuity to the family of a deceased Government Servant whose circumstances (rate of pay, etc.), were in their opinion, such that he could not have made some provisions for his family.

6. Compassionate gratuity shall not ordinarily be granted – (i) where the deceased Government Servant –

(a) had rendered less than 10 years permanent service, or

(b) was in non-pensionable service, or

THE TAMIL NADU COMPASSIONATE GRATUITIES RULES, 1932.

- (c) held merely probationary, officiating or temporary appointment in departments, other than the Survey and Settlement departments, or held such appointments in the Survey and Settlement departments for less than twenty years, or
- (d) was a menial paid from contingencies, or
- (e) had left net assets of value exceeding twenty-four month's pay;
or

(ii) where the application for the grant is submitted more than one year after the death of the Government Servant unless there are special reasons for condoning the delay.

7. The amount of gratuity to be paid in each case shall be fixed by Government, but shall in no case exceed two thousand and four hundred rupees or twelve months pay plus dearness allowance of the Government Servant, whichever is less.

NOTE – Dearness Allowance will be reckoned as pay for the purpose of deciding whether the net assets left by a Government Servant exceed twenty four months pay.

8. Subject to the provisions of rule 7, such grant may be paid in annual instalments in order to defray the educational expenses of the children of the deceased Government Servant.

Rulings.

Heads of departments as defined in the Fundamental Rules and the authorities named below are authorized to reject applications covered by Rule 6. They are also vested with discretionary powers to withhold such applications addressed to Government and forwarded through them.

(Collectors, District Judges, Superintending Engineers, Sanitary Engineers, Chairman of Municipal Councils, Superintendent, Government Press).

2. Heads of departments and other authorities specified in ruling 1 above may in their discretion withhold revision petitions addressed to Government and forwarded through them which disclose no facts already before the Government when the original orders were passed.

3. The attention of all authorities who forward or report on applications for compassionate gratuities, is invited to the instructions in paragraph 2 of G.O.No. 686, Finance, dated 29th July 1931, according to which particulars of the punishments awarded to the Government Servant while in service should also be given in the report in order to enable the Government to have an idea of the nature of service rendered. They are requested to state, in addition, in all cases, whether the service rendered by the deceased was satisfactory or not. Where the service rendered is reported to have been unsatisfactory the reasons should be given. Personal files, if available, should also invariably be forwarded to the Government along with the applications.

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RULES, 1932.

4. All authorities who forward or report on applications for compassionate gratuities are requested to obtain from the Revenue Department accurate reports on the assets and liabilities of deceased Government Servants supported as far as possible by documentary evidence. It is not always necessary to send the documents or copies thereof, but the reports should show that verification has been made with reference to the documents wherever possible. Where the liabilities are considerable such documentary proof or some other equally reliable evidence should be insisted upon and items of debts not so proved should be ignored.

APPENDIX-II
THE TAMIL NADU
COMPASSIONATE GRATUITIES
(NON-PENSIONABLE ESTABLISHMENTS)
RULES, 1941.

APPENDIX .II

THE TAMIL NADU COMPASSIONATE GRATUITIES (NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.

Rules.

1. (1) These rules may be called the Tamil Nadu Compassionate Gratuities (Non-Pensionable Establishments) Rules, 1941.

(2) They shall be deemed to have come into force on the 1st day of April 1941.

2. These rules shall apply to the families of deceased non-gazetted Government Servants who –

- (i) were in non-pensionable service; or
- (ii) held merely probationary, officiating or temporary appointments in departments other than the Survey and Settlement departments or held such appointments in the Survey and Settlement departments for less than twenty years; or
- (iii) were menials paid from contingencies; or
- (iv) were borne on the work-charged establishment.

They shall not apply to the family of a person who was subject to a Contributory Provident Fund or to the family of a person in receipt of family pension under the Extraordinary Pension Rules, Tamil Nadu.

3. For the purposes of these rules –

- (i) 'Family' includes the Government Servant's wife, his legitimate children, step-children, parents, sisters and minor brothers, who had been wholly dependent on him; and
- (ii) 'monthly pay' or 'month's pay' means –
 - (a) in the case of a wholetime Government Servant employed on piecework wages, the average monthly remuneration drawn during a period of one year immediately before retirement or death;
 - (b) in the case of a Government Servant employed on daily wages, such wages drawn immediately before retirement or death multiplied by 30; and
 - (c) in the case of other Government Servants their monthly non-substantive pay drawn immediately before retirement or death.

4. The Government may, subject to the provisions of these rules grant a compassionate gratuity to the family of a Government Servant who dies while in service. The family of a person who has received a retiring or invalid gratuity shall not be eligible for any compassionate gratuity.

**THE TAMIL NADU COMPASSIONATE GRATUITIES
(NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.**

5. Compassionate gratuity shall be granted only when the deceased Government Servant had rendered meritorious service or when his death was due to special devotion to duty.

6. Notwithstanding anything contained in rule 5, the Government may grant a compassionate gratuity to the family of a deceased Government Servant whose circumstances (e.g., rate of monthly pay) were in their opinion such that he could not have made any adequate provision for his family.

7. A gratuity under these rules shall not ordinarily be granted –

(i) where a deceased Government Servant –

(a) had left net assets of value exceeding twenty-four months' pay, or

(b) had rendered less than ten years' service, or

(ii) where the application for the grant is submitted more than one year after the death of the Government Servant, unless there are special reasons for condoning the delay.

8. The amount of the gratuity to be paid in each case shall be fixed by the Government but shall in no case exceed two thousand and four hundred rupees or twelve months' pay plus dearness allowance of the Government servant whichever is less.

NOTE :- Dearness allowance will be reckoned as pay for the purpose of deciding whether the net assets left by a Government Servant exceed twenty-four months pay.

9. Subject to the provisions of rule 8, the gratuity may be paid in annual instalment in order to defray the educational expenses of the children of the deceased Government Servant.

Descriptive roll which should accompany compassionate gratuity applications.

All heads of departments including District Judges are informed that every application for a compassionate grant on behalf of the families of deceased Government Servants should in future be accompanied by a descriptive roll (on separate sheets) of the applicant for the grant.

These rolls should contain the following information:-

(1) Height.

(2) Age.

(3) Colour.

(4) Personal marks, if any, on the hand, face, etc.,

(5) Signature or left hand thumb and finger impression. Small finger, Ring finger, Middle finger, Index finger, Thumb.

The descriptive rolls may be obtained from the applicant direct or from the Revenue authorities at the time when the later, are asked to report on the pecuniary circumstances of the family.

APPENDIX-III

THE TAMIL NADU COMPASSIONATE

GRATUITIES RULES, 1968.

APPENDIX.III

THE TAMIL NADU COMPASSIONATE GRATUITIES RULES, 1968

1. Short title – (i) These rules may be called the Tamil Nadu Compassionate Gratuities Rules, 1968.

(ii) They shall be deemed to have come into force on the 1st January 1968.

2. Eligibility – These rules shall apply to the families of all Government Servants who die while in service.

Explanation – For the purpose of this rule, the words “Government Servant” shall include also:-

- (i) those in non-pensionable service;
- (ii) menials paid from contingencies; and
- (iii) persons borne on the work-charged establishment.

3. For purposes of these rules –

(i) ‘Family’ includes the Government Servant’s wife or husband, legitimate children, step-children, parents, sisters, also minor brothers, who had been wholly dependent on him;

(ii) ‘month’s pay’ means –

- (a) in the case of a whole time Government Servant employed on piece work-wages, the average monthly remuneration drawn during a period of one year immediately before retirement or death;
- (b) in the case of a Government Servant employed on daily wages, such wages drawn immediately before retirement or death multiplied by 30; and
- (c) in the case of other Government Servants their monthly non-substantive pay drawn immediately before retirement or death.

(iii) ‘Government’ means the Government of Tamil Nadu.

4. Condition for the grant of an award – Compassionate gratuity shall not ordinarily be granted to the families of retired Government Servants but cases in which the death of Government Servant occurs within six months of retirement or where the Government Servant has been totally or permanently disabled while in service can be considered.

Explanation – Compassionate Gratuity will be admissible to the legal heir(s) of a deceased pensioner in addition to arrears of pension or gratuity in cases where the pensioner dies within a period of six months from the date of retirement.

5. Compassionate gratuity shall be granted only when the deceased Government Servant had rendered meritorious service or when his death was due to special devotion to duty.

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RULES, 1968**

6. Notwithstanding anything contained in rule 5, Government may grant a compassionate gratuity to the family of a deceased Government Servant whose circumstances (rate of pay, etc.) were in their opinion such that he could not have made adequate provision for his family.

7. A gratuity under these rules shall not ordinarily be granted –

(i) Where the deceased Government Servant –

(a) had rendered less than 10 years' service; or

(b) had left net assets of value exceeding twenty four months' pay; or

(ii) Where the application for the grant is submitted more than one year after the death of the Government Servant unless there are special reasons for condoning the delay.

8. *Amount of the grant* – The amount of gratuity to be paid in each case shall be fixed by the Government shall in no case exceed Rs.10,000 or twelve month's pay and dearness allowance of the Government Servant whichever is less.

Explanation – Dearness allowance will be reckoned as pay for the purpose of deciding whether the net assets left by a Government Servant exceeds twenty-four months' pay.

9. Subject to the provisions of rule 8, the gratuity may be paid in annual instalment in order to defray the educational expenses of the children of the deceased Government Servant.

10. *Application* – The form of application for the grant of compassionate gratuity is given in the Annexure to these Rules.

THE TAMIL NADU COMPASSIONATE GRATUITIES 239
RULES, 1968

ANNEXURE.

APPLICATION FOR THE GRANT OF COMPASSIONATE GRATUITY.

PART.I

(To be completed by the applicant)

1. (a) Name of the deceased :
(b) Particulars of family members with their age and occupation (in the case of persons gainfully employed, income should also be stated).
(In the case of children receiving education, name of the institution and the classes in which they are studying. :
2. Assets :-
 - (a) Amount of Life Insurance. :
 - (b) Cash and bank balance. :
 - (c) Total value of other assets (movable and immovable property). :
 - (d) Income earned from the assets. :
3. (a) Name and address of the applicant :
(b) Relationship to the deceased Government Servant. :
4. Reasons for Compassionate Gratuity :
5. Name of the Treasury in which payment is desired. :

I certify that the information given above is correct.

(Signature of the applicant).

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RULES, 1968**

PART.II

(To be completed by the applicant)

Descriptive Roll, in duplicate, of the applicant for the grant of Compassionate Gratuity.

- (a) Height :
- (b) Age :
- (c) Colour :
- (d) Personal marks of identification, if any
on the hand.
- (e) Signature and/or left hand thumb and
finger impression.

Small finger, Ring finger, Middle finger, Index finger, Thumb.

Attested by (two or more persons of respectability in the town or village
where the applicant resides).

- (i)
- (ii)
- (iii)

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RULES, 1968

PART.III

(To be completed by the Head of the Department.)

1. (a) Last appointment held by the
deceased Government Servant. :
- (b) Pay and allowances at the time
of death. :
- (c) Age of the Government
Servant at the time of death. :
2. (a) Total service rendered –
permanent/quasi-permanent/
temporary. :
- (b) Pensionable or non-
pensionable. :
- (c) Whether family is eligible for
any retirement benefits, if so, :
state the details.
- (d) Provident Fund balance at the
credit of the subscriber indi-
cating separately the Govern –
ment's Contribution, if any, :
payable.
3. Remarks of the superior
officer on the work of the :
deceased. (Character Roll will be
forwarded)
4. Was death due to or accelerated by
devotion/extraordinary devotion to :
duty?
5. Recommendation of the Head of
the Department regarding the :
amount of grant.
6. General remarks. :

APPENDIX-IV
THE ALL INDIA SERVICES
(DEATH-CUM-RETIREMENT BENEFITS)
RULES, 1958.

APPENDIX.IV

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the State concerned, hereby makes the following rules, namely:-

1. Short title and application – (1) These rules may be called the All-India Services (Death-cum-Retirement Benefits) Rules, or after the 29th October 1951.

(2) (a) Subject to the provisions of clause (b) of this sub-rule, they shall apply to all persons who retired from the service on or after the 29th October 1951.

¹(b) They do not apply to those members of the service who were promoted to the Service, from the State Services, or were appointed to the Services under the I.A.S. (Extension to States) Scheme and who under orders issued by the Central Government before the coming into force of those rules were given option the matter of pension rules, by which they would be governed and who in exercise of that option chose to be governed by the Superior Civil Services Rules, the Civil Services Regulations, or the Pension Rules of the State concerned as the case may be:

Provided that the members of the service to whom these rules do not apply and who were in service on the 1st January 1964, may opt to be governed by these rules in accordance with such orders as may be issued by the Central Government in this behalf.

2. Definitions – (1) In these rules, unless the context otherwise requires:-

(a) “**Accounts Officer**” means such officer as may be appointed by the Comptroller and Auditor-General of India;

²(aa) “**average emoluments**” means the average of the emoluments drawn by a member of the Service during the last ten months of his service;

NOTE : (i) If during the last ten months of his service, a member of the Service has been absent on leave with allowances or having been suspended, has been reinstated without forfeiture of service, his emoluments for the purpose of ascertaining the average should be taken as what they would have been had he not been absent from duty or suspended.

(ii) If during the last ten months³ of his service a member of the Service has been absent from duty on leave without allowances (not counting of pension) or suspended under such circumstances that the period so passed does not count as qualifying service, the period of such leave or suspension shall be disregarded in the calculation of the average, an equal period before the ten months being included.

¹ Substituted vide DP & AR orders No. 31/7/72-AIS(III) dated 22.05.1973.

² Inserted w.e.f. 31.12.72 vide DP & AR Notification No. 33/12/73-AIS(II), dated 24.1.57 read with Notification No.25011/29/75-AIS(II) dated 30.1.1976 (GSR No. 196 dated 14.2.76).

³ Substituted w.e.f. 1.3.76 vide Notification No. 11024/4/76-AIS(II) dated 7.12.77 (GSR No. 1700 dated 24.12.77).

**THE ALL INDIA SERVICES (DEATH-CUM-
RETIREMENT BENEFITS) RULES 1958.**

- (iii) In the case of a member of Service who, while on leave preparatory to retirement is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of his average emoluments.
- ¹(iii-a) The emoluments drawn by a member of the Service during the last ten months of his service shall count for purposes of calculation of average emoluments only if the pay drawn during the said period is-
- (a) in a cadre post; and
 - (b) in an ex-cadre post if it is fully met out of the Consolidated Fund of either the Union or the State;
- ²(iii-b) in the case of a member of the Service who was deputed to any foreign service post during the last 10 months of his service the pay should be reckoned with reference to his entitlement in the Cadre or the pay which he would have drawn in a post under the Central Government, had he been on central deputation. For this purpose, the certificate given by the State Government on whose cadre the member is borne, regarding the pay he would have drawn in the cadre, or the certificate given by the Central Government regarding the pay he would have drawn in a post under the Central Government, had he not gone on foreign service, would be treated as sufficient.
- (iv) Except as provided in clauses (i), (ii), (iii), (iii-a) and (iii-b) above, only emoluments actually received shall be included in the calculation. For example, where a member of the Service is allowed to count time retrospectively towards increase of pay but does not receive retrospectively the intermediate periodical increments, these increments shall not be reckoned in the calculation of average emoluments.
- (v) Period of joining time which fall within the last ten months³ of service of a member of the service shall form part of the ten months for the purpose of average emoluments.
- (vi) Where the emoluments of a member of the Service have been reduced during the last 10 months of his service, otherwise than as a penalty, average emoluments may, at the discretion of the Government, be substituted for emoluments for the purpose of calculation of the gratuity or death-cum-retirement gratuity admissible under rule 18 or rule 19.

¹ Inserted w.e.f. 01.01.1973 vide Notification No. 25011/66/75-AIS(II) dated 22.05.1976 (GSR No. 1700 dt. 24.12.1977).

² Substituted vide DP & Trg. Notification No.25011/40/88-AIS (GSR No. 91 dt. 25.02.1989).

³ Substituted w.e.f. 01.03.1976 vide Notification No. 11024/4/76-AIS(II) dated 07.12.1977.

- (vii) In the case of a member of Service, who while officiating in a higher post proceeds on leave and retires or dies while on leave, the benefit of officiating or temporary pay for the purposes of this clause and clause (bb) shall be given only if it is certified that the member of the Service would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(b) "death-cum-retirement gratuity" means the lump sum granted to a member of the Service or his family in accordance with rule 19;

¹(bb) "Emoluments" means the basic pay that a member of the service was receiving before his retirement/death, as the case may be;

(w.e.f. 1.1.1997) "Emoluments" for the purpose of calculation of retirement/death Gratuity, means the pay and Dearness Allowance that a member of the service was receiving on the date of his retirement/death, as the case may be:

Provided further that those who retire between the 1st day of January, 1996 and the 31st day of December, 1997 shall have an option to retain the pre-revised scales of pay and have their pension and death-cum-retirement gratuity calculated under the rules in force immediately before the 1st day of January, 1996. In such cases the term "Emoluments" shall mean the pay which the member of service was receiving before his retirement or death, as the case may be, and will include Dearness Allowance up to AICPI 1436 and Interim Relief I and Interim Relief II:

Provided also that, in case of the persons who retain pre-revised scales (i.e. prior to the 1st day of January, 1996) and retire or die in harness subsequent to the 31st December, 1997, Pension, Retirement Gratuity, Death Gratuity and Family Pension, as may be relevant, shall be calculated in terms of relevant rules as effective from the 1st January, 1996. The "emoluments" for calculation of pensionary benefits in their case shall be the basic pay in the pre-revised (i.e. prior to the 1st January, 1996) scale, plus Dearness Allowance as admissible up to CPI 1510 in terms of Ministry of Finance Office Memorandum No.1(5)/96.E II (B) dated the 20th March, 1996 appropriate to the basic pay plus two instalments of Interim Relief at the rates in force on the 31st December, 1995, appropriate to the said basic pay:

²Provided also that the average emoluments based on the basic pay of the preceding ten months of those Government servants who had opted to come over to the revised scales of pay and had retired within a period of 10 months reckoned from the 1st day of January, 1996 shall, for the purpose of determining their pension entitlement, be calculated as follows:

(A) For the period during which pay was drawn in the pre-revised pay scales: The total emoluments for the number of months for which pay was drawn in the pre-revised pay scales shall be calculated after taking into account the following:

(i) Basic Pay (including increments, if any drawn during the intervening period).

(ii) Dearness allowance upto CPI 1510, i.e. @ 148%, 111% and 96% of the basic pay as the case may be.

¹ Substituted/inserted w.e.f. 01.01.1996 vide DP & T Notification No. 25011/24/97-AIS(II) dated 19.12.1997 (GSR No. 717E dated 19.12.1997).

² Substituted vide DP&T Notification No. 25011/24/97-AIS(II) dated 01.09.2000.

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

(iii) The first and second instalments of Interim Relief appropriate to the Basic Pay drawn during the relevant period.

(iv) Notional increase of the Basic Pay by applying the Fitment Benefit of 40 percent on the Basic Pay in the pre-revised pay scale.

(B) For the period during which pay was drawn in the revised pay scales: The aggregate of the Basic Pay for the number of months for which pay was drawn in the revised pay scales.

The average emoluments of the preceding ten months will thereafter be calculated by adding (A) and (B) and dividing the result by 10. Pension admissible will consequently be 50% of the average emoluments so calculated.

Explanation – For the purposes of this sub-rule, the expressions “pre-revised pay scales” and “revised pay scales” shall mean the scales of pay applicable before the implementation of the recommendations of the Fifth Central Pay Commission with effect from 1st day of January, 1996 and the scales of pay accepted and notified on the basis of the recommendation of the Fifth Central Pay Commission with effect from the 1st day of January, 1996 respectively.

Provided that in the case of all members of the Service retiring from Service within ten months of the coming over to the revised scales of pay, as revised w.e.f. the 1st day of Jan, 1986 emoluments in respect of any period prior to coming over to the revised scale of pay shall include:

- (i) Pay other than special pay in the pre-revised scale of pay prior to the 1st Jan, 1986;
- (ii) Dearness allowance, additional dearness allowance and ad hoc dearness allowance appropriate to pay up to Cost of Price Index 608 actually drawn during the relevant period; and
- (iii) Interim relief appropriate to pay actually drawn during the relevant period.

(c) “gratuity” means the lump sum specified in Schedule A which may be granted to a person retiring from the Service before completion of ten years of qualifying service;

¹(cc) **Indian Civil Service members of the Indian Administrative Services** means a person, who was initially appointed to the Civil Service of the Crown in India known as the Indian Civil Service and who subsequently become a member of the Indian Administrative Service;

(d) “leave rules” means the All India Services Leave Rules, 1955;

²(e) “leave with allowance” means leave other than extraordinary leave;

¹ Inserted vide DP&AR Notification No.31/7/72-AIS(III) dated 22.05.1973.

² Substituted vide MHA Notification No.29/41/64-AIS(III) dated the 8th April, 1965.

¹(f) "member of the Service" means a member of an All India Service as defined in Section 2 of the All India Services Act, 1951 (61 of 1951);

²(g) 'pay' means the amount drawn monthly by a member of the Service as —

(i) pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;

(ii) overseas pay, special pay and personal pay; and

(iii) any other emoluments which may be specially classified as pay by the Government.

(h) "pension" means the amount payable monthly under rule 18 to a person who has retired from the Service, in recognition of the services rendered by him to Government;

(i) [] Omitted.

(j) "retirement benefits" includes Pension or gratuity and death-cum-retirement gratuity where admissible;

³(jj) "Revised scales of pay" means the scales of pay introduced with effect from the 1st day of January, 1996, unless specified otherwise.

(k) "schedule" means a schedule to these rules;

(l) [] Deleted.;

⁴(m) "State Government" means the State Government on whose cadre the member of the Service was borne immediately before retirement or death and in relation to a member of an All India Service borne on a joint cadre, the joint cadre Authority.

(2) All words and expressions used in these rules and not defined therein but defined in the Pensions Act, 1871 (23 of 1871) or the General Clauses Act, 1897 (10 of 1897), or in the Leave Rules shall have the meanings respectively assigned to them in the said Acts or in the said Rules.

3. **General conditions** — (1) Future good conduct of the pensioner is implied condition of every grant of pension and its continuance.

(2) The Central Government may withhold or withdraw any pension or any part of it, for a specified period or indefinitely, on a reference from the State Government concerned, if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct.

⁵Provided that no such order shall be passed without consulting the Union Public Service Commission.

(3) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

¹ Substituted vide DP&AR Notification No.29/76/66-AIS(II)-A dated the 13th December, 1966.

² Substituted vide D/P&T Notification No.25011/12/87-AIS(II) dated 22.05.1987(GSR No.522E dt. 22.05.1987).

³ Substituted w.e.f.1.1.96 vide D/P&T Notification No.25011/24/97-AIS(II) dated 19.12.1997(GSR No.717E dated 19.12.1997).

⁴ Substituted vide DP & AR Notification No.13/4/71-AIS(I) dated 11.01.1972.

⁵ Inserted vide DP&AR Notification No.25011/22/82-AIS(II) dated the 16th July, 1983(GSR No.557 dt. 30.07.1983).

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4. **Limitation** – A member of the Service cannot earn two pensions in the same office at the same time or by the same continuous service.

5. **Removal, Dismissal or Resignation from Service** – (1) No retirement benefits may be granted to a person who has been dismissed or removed from the Service or who has resigned from the Service:

Provided that if the circumstances of the case so warrant, the State Government may grant to a person who has been dismissed or removed from the Service a compassionate allowance not exceeding two-thirds of the retirement benefits which would have been admissible to him if he had been invalided and not dismissed or removed from the Service.

(2) Subject to the provisions of Rule 5A, where a member of the Service is required to retire or resign from the Service as a condition of his appointment under a statutory or other body, he shall be granted the retirement benefits to which he would have been entitled if he had been invalided from the service and not resigned or retired.

¹5A. **Permanent Absorption of Members of the Service in or under a Corporation, Company or body.**– (1) Notwithstanding anything contained in Rule 5, a member of the Service, who has been permitted by the Central Government to be absorbed in service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government or under a body controlled or financed by the Central Government, shall be deemed to have retired from Service from the date of such absorption and shall be eligible to retirement benefits in accordance with the orders issued by the Central Government in respect of officers of Central Civil Services Group 'A'.

²(2) [] Deleted.

³(3) A member of the Service referred to in sub-rule (1) shall not be governed by the provisions of rule 22 or 22B as the case may be, if his family is entitled to family pension under the rules of the organization in which he is permitted to get absorbed permanently.

⁴6. **Recovery from Pension** – (1) The Central Government reserves to itself the right of withholding a pension or ⁵gratuity, or both, either in full or in part, whether permanently or for a specified period, and of ordering recovery from pension or gratuity of the whole or part of any pecuniary loss caused to the Central or a State Government, if the pensioner is found in a departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence, during his service, including service rendered on re-employment after retirement:

¹ Amended vide DP & AR Notification No. 25011/46/76-AIS(II) dated 28.03.1978 (GSR No. 450 dt 08.04.1978).

² Deleted vide DOP&T Notification No. 25011/4/2000-AIS(II) dated 18.01.2002 (GSR No. 49(E) dt. 18.01.2002.)

³ Inserted vide 25011/7/50/78-AIS(II) dated 1st May, 1980 (GSR 545, dt. 17.05.1980)

⁴ Substituted vide MHA Notification No. 29/7/63-AIS(II) dated 25th March, 1964.

⁵ Substituted vide Notification No. 25011/19/91-AIS(II) dated 26.05.1993.(GSR No. 308, dt. 19.6.93).

¹ Provided that no such order shall be passed without consulting the Union Public Service Commission.

Provided further that —

(a) such departmental proceeding, if instituted, while the pensioner was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the pensioner, be deemed to be a proceeding under this sub-rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if the pensioner had continued in service;

(b) such departmental proceeding, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment —

(i) shall not be instituted save with the sanction of the Central Government;

(ii) shall be in respect of an event which took place not more than four years before the institution of such proceeding; and

(iii) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the procedure applicable to proceeding on which an order of dismissal from service may be made;

(c) such judicial proceeding, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment, shall not be instituted in respect of a cause of action which arose or an event which took place more than four years before such institution.

Explanation — For the purpose of this —

(a) a departmental proceeding shall be deemed to be instituted, when the charges framed against the pensioner are issued to him or, if he has been placed under suspension from an earlier date, on such date; and

(b) a judicial proceeding shall be deemed to be instituted —

(i) in the case of criminal proceedings, on the date on which the complaint is made or a charge-sheet is submitted, to the criminal court; and

(ii) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is made, to a civil court.

² Note-1- Where a part of the pension is withheld or withdrawn the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per mensem.

Note-2- Where Central Government decides not to withhold or withdraw pension but orders recovery of any pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of the member of the service.

¹ Inserted vide DP & AR Notification No. 25011/22/82-AIS(II) dated 16.7.83. (GSR No. 557 dt. 30.07.19.83).

² Inserted vide DP & T Notification No. 25011/19/91-AIS(II) dated 26.5.93 (GSR No. 308 dated 19.6.93).

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(2) Whether any departmental or judicial proceeding is instituted under sub-rule (1), or where a departmental proceeding is continued under clause (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, ¹he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed a provisional pension or death-cum-retirement gratuity even though he produces medical certificate admissible on the basis of qualifying service up to date of retirement, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

²Provided that where disciplinary proceeding has been instituted against a member of the Service before his retirement from service under rule 10 of the All India Service (Discipline and Appeal) Rules, 1969, for imposing any of the penalties specified in clause (i), (ii) and (iv) of sub-rule 1 of rule 6 of the said rules and continuing such proceeding under sub-rule (1) of this rule after his retirement from service, the payment of gratuity or death-cum-retirement gratuity shall not be withheld.

(3) Payment of provisional pension made under sub-rule (2) shall be adjusted against the final retirement benefits sanctioned to the pensioner upon conclusion of the aforesaid proceeding, 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.

³[NOTE – The grant of pension under this rule shall not prejudice the operation of rule 20 of these Rules, when final pension is sanctioned upon conclusion of the proceeding.]

7. Compulsory Retirement as a Measure of Penalty – (1) a member of the Service who as a measure of penalty is Compulsorily retired from the Service by the Central Government in accordance with the provisions of the All-India Services (Discipline and Appeal) Rules, 1955, may be granted retirement benefits on the basis of his qualifying service on the date of such compulsory retirement on the appropriate scales indicated in Schedules ⁴18 and 19.

⁵Provided that, if the circumstances of the case so warrant, the ⁶Central Government after consultation with the Union Public Service Commission may direct that the retirement benefits shall be paid at such reduced scales as may not be less than two-thirds of the retirement benefits under rules 18 and 19.

⁷(2) The family of a member of the Service who is compulsorily retired from the service as a measure of penalty shall be entitled to a family pension under rules 22, 22-A or 22-B, as the case may be. For the purpose of rule 22, the family pension

¹ Substituted vide Notification No.25011/30/77-AIS(II) dated 10.7.78(GSR No.422 dated 22.7.78)

² Substituted vide DP&AR Notification No.25011/22/82-AIS(II) dated 16.7.83(GSR No.557 dated 30.7.83)

³ Omitted vide Notification No. 25011/13/82-AIS(II) dated 11.09.1980 (GSR No. 978 dt. 27.09.1980)

⁴ Substituted vide DP & AR Noti. No. 25011/14/79-AIS(II) dated 01.09.1979 (GSR No. 1151 dated 16.09.1979)

⁵ Substituted vide DP&AR Noti. No. 25011/14/79-AIS(II) dated 1.9.79 w.e.f 31.03.1979 (GSR No.1151 dt. 15.09.1979)

⁶ Substituted vide DP&AR Notification no. 25011/22/82-AIS (II) dated 16.07.1983 (GSR No.557 dt 30.07.1983)

⁷ Substituted wef 1.1.64 vide MHA Notification No. 29/11/65-AIS(II) dated 05.02.1966.

shall be admissible for a maximum period of five years from the date of compulsory retirement.

8. Qualifying Service- (1) Unless provided otherwise in these rules, qualifying service of a member of the Service for purposes of these rules begins from the date of his substantive appointment to the Service:

Provided that in the case of a member of the Service appointed initially on probation the period of probation shall also count as qualifying service.

(2) Any period of service under the Central or a State Government rendered by a member of the service prior to his appointment to the service shall count as qualifying service under these rules to the extent to which such service would have counted as qualifying service for pension under the rules applicable to him prior to his appointment to the service provided that the service is otherwise continuous:

¹ Provided that temporary or officiating service, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of periods of temporary or officiating service in non-pensionable establishments.

Explanation – For the purpose of this rule –

- (1) Leave of any kind or suspension followed by reinstatement does not constitute a break.
- (2) Service under a State Government includes the service rendered before migration into India as a result of the partition in States which have since become part of Pakistan, breaks in service, if any, caused at the time of such migration due to reasons beyond the control of the member of the Service may be condoned by the State Government but the period of the break or breaks will be ignored in determining the total length of qualifying service.

²(2A) The period of service rendered under an autonomous body, wholly or substantially owned or controlled by the Central Government and taken over by it, by a member of the service who left the service of that body at any time prior to its take-over by the Central Government and who later on joined Government Service with or without break, shall count as qualifying service for pension under these rules to the extent and subject to the conditions under which such service is counted as qualifying service for pension under the Central Civil Service (Pension) Rules, 1972 or under any orders issued by the Central Government in this behalf.

³(3) Deleted.

(4) A member of the service who rendered war/military service, before his appointment to an All-India Service shall count that service as qualifying service to the extent to which such service is counted as qualifying for pension under the Civil Service Regulations as applicable to members of the Central Services Class I or under any orders that might be issued by the Central Government in this behalf.

¹ Substituted vide MHA Notification No. 29/7/60-AIS(II) dated 31.12.1962.

² Inserted /Substituted vide Notification No.25011/41/80-AIS(II) dt 15.5.81 (GSR No. 705 dt 1.8.81).

³ Omitted vide MHA Notification No. 29/81/66-AIS(II)-A dt.20.6.68.

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¹ (5) (a) A member of the service who, prior to his appointment to the Service, held a post in the General Administrative Reserve or a post under Government on a contract basis, shall have the option to count the period of his service in such post in full as qualifying for pension under these rules. Provided that such service is otherwise continuous and that he did not draw inflated rates of pay by reason of the absence of retirement benefits.

(L) The option under clause (a) shall be exercised within a period of three months from the 31st December 1962 or within three months from the date of appointment to the Service, whichever is later. The option, once exercised, shall be treated as final.

(c) Where a member of the Service exercises the option to count his previous service in the General Administrative Reserve or on contract basis, the amount of Government contributions with interest thereon standing to his credit in any contributory provident fund to which he might have been admitted shall be surrendered ²(and credited to the consolidated funds of the Constituent States, in such proportion as may be prescribed by the Joint Cadre Authority) while the amount of his own subscriptions to that fund, if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Service Provident Fund.

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest from the date of payment to the date of final refund in a suitable number of instalments, to be prescribed by the State Government.

³(6) A member of the service who prior to his appointment to the Service held a post under Government carrying contributory provident fund benefits shall have the option to count as qualifying service the whole of the period of his service in such a post during which he actually subscribed to the Contributory Provident Fund.

The option under this sub-rule shall be exercised within a period of three months from the 31st December 1962 or within three months of appointment to the Service, whichever is later. The option once exercised shall be final.

Where a member of the service exercise the option, the amount of Government contributions together with interest thereon standing to his credit in that fund shall be surrendered and ⁴credited to the Consolidated Fund of the State on whose cadre he is borne, while the amount of his own subscriptions to that fund if not already withdrawn, together with interest thereon, shall be transferred to his account in the All-India Services Provident Fund :

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest in a suitable number of instalments to be presented by the State Government⁵.

(7) Foreign service rendered by a member of the service shall count as qualifying service provided that contributions towards the cost of retirement benefits

¹ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

² Substituted vide DP & AR Notification No. 13/4/71-AIS(II) dated 11.1.72

³ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

⁴ Substituted vide DP & AR Notification No. 13/4/71-AIS(II) dated 11.1.72.

⁵ Substituted vide MHA Notification No.29/7/60-AIS(II) dated 31.12.62.

of the member of the service, at such rates as the Central Government may prescribe from time to time, have been paid either by the foreign employer or, failing that, by the member of the Service himself, in respect of the entire period of foreign service, unless the payment of contribution has been waived by Government.

(8) 'Authorised Joining Time' availed of by a member of the Service shall count as qualifying service.

¹(8A) A member of the Service, who had participated in the national movement and who entered Government service by availing himself of the concession of relaxation of age in terms of the Ministry of Home Affairs office memoranda No.15/21/48-Ests, dated the 29th November 1948 and No. 6/1/51-NGS, dated the 14th February, 1951 or corresponding orders, if any, issued by the State Government in this regard, shall be allowed to add to his qualifying service, only for superannuation pension purpose, a period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds 25 years, a period of 5 years, whichever is the least.

²(9) The qualifying service shall be calculated in six monthly periods. A fraction of less than three months shall not be taken into account in calculating the total qualifying service.

³NOTE – A member of the service who was not entitled to receive the Government's share of the contribution in the Contributory Provident Fund in respect of any service rendered prior to his appointment to the Service, on the ground that he did not put in the minimum period of service under the rules of the said Fund, shall be deemed to have opted for counting that service as qualifying for pension under sub-rules (5) or (6) of this rule. But the Government's contribution to the Contributory Provident Fund together with interest accrued thereon shall be transferred to the accounts of the State on whose cadre he is borne and that State shall bear the pensionary liability for the said service.

⁴8A. *Addition to qualifying service on voluntary retirement* – (1) The qualifying service as on the date of intended retirement of a member of the Service retiring under sub-rule (2) or sub-rule (2A) of rule 16 shall be increased by the period not exceeding 5 years subject to the condition that the total qualifying service rendered by him does not in any case exceed 33 years and it does not take him beyond the age of superannuation.

(2) The weightage up to 5 years under sub-rule (1) shall not be admissible in the case of a member of the Service who is retired from Service in Public interest by the Central Government under sub-rule (3) of rule 16.

¹ Inserted vide DP&AR Notification No. 25011/21/76 AIS(II) dt 21.4.77 (GSR No.579 st 21.4.77)

² Substituted vide DP&AR Notification No. 25011/9/83-AIS(II) dt 14.9.83 (GSR No. 712 st 1.10.83)

³ Added vide MHA Notification No.29/64/64-AIS(II) dated 13.08.1965

⁴ Substituted vide DP &AR Notification No. 25011/14/83-AIS(II) dated 03.01.1983 (GSR No. 33 dt. 21.01.1984)

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9. Counting of periods of leave as qualifying service – ¹(1) All periods of leave with allowances and extraordinary leave granted on the basis of medical certificate shall count as qualifying service.

Provided that the Central Government may, in any case in which it is satisfied that the extraordinary leave was taken by a member of the Service for any cause beyond the control of such member or for prosecuting higher scientific and technical studies, direct that such extraordinary leave shall be counted as qualifying service.

(2) Leave granted by foreign employer to a member of the service while on foreign service out of India under sub-rule (1) of rule 27 of the Leave Rules shall be treated as leave and not as duty and shall qualify for pension subject to the provision of sub-rule(1).

10. Counting of periods of deputation or leave outside India for purposes of qualifying service.- (1) Where a member of the Service is deputed out of India on duty, the whole period of his absence from India on such deputation shall count as qualifying service.

(2) Where a member of the Service on leave out of India is employed, or is detained on duty out of India after the termination of his leave, the period of such employment or detention shall count as qualifying service:

Provided that the periods of deputation converted into leave shall count for purposes of qualifying service as leave and not as deputation.

(3) Time spent on journey to India by a member of the Service who is recalled to duty before the expiry of any duly sanctioned leave out of India counts as qualifying service.

11. Periods not qualifying as service for pension.- The following periods of service of a member of the Service do not count as qualifying service for pension:-

²(1) Time passed by a member of the Service under suspension unless, on conclusion of the disciplinary proceeding he has been fully exonerated or the suspension is held to be wholly unjustified:

Provided that where a member of the Service has not been fully exonerated in the disciplinary proceedings or the suspension has not been held to be wholly unjustified, the period of suspension shall count as qualifying service only to such extent and in accordance with such directions as the competent authority may issue under rules 5, 5A or 5B of the All India Services (Discipline and Appeal) rules, 1969,

(2) Leave other than leave which counts as qualifying service under rule 9.

(3) Unauthorised absence in continuation of authorized leave of absence or joining time:

Provided that where a member of the Service who has been suspended pending disciplinary proceedings regarding his conduct is reinstated, but with forfeiture of any part of his pay and allowances for the period of his suspension, such

¹ Substituted vide DP &AR Notification No. 25011/22/82-AIS(II) dated 16.7.83 (GSR No. 557 dated 30.7.83)

² Substituted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83 (GSR No. 557 dt 30.7.83)

period shall count as qualifying service under these rules only to such extent and in accordance with such direction as the competent authority may issue under clause (6) of sub-rule (3) of rule 9 of the All India Services (Discipline and Appeal) Rules, 1955.

12. Interruption in service and condonation of break in service:- ¹(1) In the absence of a specific indication to the contrary in the service records of a member of the Service, an interruption between two spells of service, rendered by him after his appointment to the service shall be treated as automatically condoned and the pre-interruption service treated as qualifying service except in a case where interruption is caused by dismissal or removal from service.

(2) In a case falling under sub-rules (2), (5) or (6) of rule 8, where service rendered by a member of the Service under a State Government or the Central Government prior to his appointment to the Service is counted as qualifying service under the said rule and an interruption in service is inevitable due to the two appointments being at different stations, such interruption not exceeding the joining time permissible under the rules of transfer, shall be treated as automatically condoned.

(3) In a case where war or military service is counted as qualifying service for pension under sub-rule (4) of rule 8, the interruption if any, in such service as well as any interruption between such service and subsequent civil service shall be treated as automatically condoned.

(4) The period or periods of interruptions referred to in sub-rules (1) to (3) shall not count as qualifying service.

13. Invalid gratuity or pension.- (1) Where the Government has reason to believe that a member of the Service is suffering from –

- (a) a contagious disease: or
- (b) a physical or mental disability which in its opinion interfere with the efficient discharge of his duties it may direct him to undergo medical examination with a view to retire him from service in invalid gratuity or pension, as the case may be.

A Member of the Service also may, if he feels that he is not in a fit state of health to discharge his duties, apply to the Government for retirement on invalid gratuity or pension as the case may be.

(2) An invalid gratuity or pension and death-cum-retirement gratuity where admissible shall be granted to a member of the Service who having appeared under the direction of the Government or on his own application before a duly constituted Medical Board, is certified by that Medical Board by bodily or mental infirmity, to be permanently incapacitated for further service. ²(The family of a member of the Service who retires or is retired under this rule shall be entitled to the benefits of the family pension as laid down in rule 22 or 22-B)

³(2A) Notwithstanding anything contained in sub rule (2), relief against rise in the cost of living index shall be granted to every such member of the Service at

¹ Substituted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83 (GSR No. 557 dt 30.7.83)

² Inserted wef 1.6.64 vide MHA Notification No. 29/11/65-AIS(II) dt 5.2.66

³ Inserted wef 1.1.73 vide DP&AR Notification No. 33/20/73 –AIS(II) dt 31.5.75

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such scales and in such manner as may be prescribed by the Central Government from time to time for officers of the Central Government Civil Services, Class-I.

(3) The medical certificate of incapacity shall be attached:-

(a) if the member of the Service is on leave out of India, by a Medical Board to be convened for the purpose by the Indian Mission in the country in which the member of the Service is on leave;

(b) in other cases, by the Medical Board to be convened by the Chief Administrative Medical Officer of the State in which the member of the Service is on duty or on leave. The Chief Administrative Medical Officer, shall, wherever practicable, preside over such a Board.

(4) Save where he is on leave out of India no member of Service shall apply for a medical certificate of incapacity and no such certificate shall be granted unless-

(a) the applicant produces evidence to show that the Government is aware of his intention to appear before the Chief Administrative Medical Officer; and

(b) The Chief Administrative Medical Officer is informed about the age of the applicant as recorded in his history of services and is supplied with a statement of the leave taken by him during the three years immediately preceding and of the history of the medical case and the treatment adopted as far as possible.

(5) If the Medical Board, although unable to discover any specific disease in the member of the Service, considers him incapacitated for further service by general disability while still under the age of ¹(fifty eight) years, it shall give detailed reasons for its opinion. Wherever possible a second medical opinion shall in such cases be obtained.

NOTE.- In a case of this kind a statement giving the grounds on which it is proposed to invalidate a member of the Service shall be forwarded to the Medical Board by the Government under whom he is serving.

(6) A certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a member of the Service on invalid gratuity or pension.

(7) The Medical Certificate shall be in the form set forth in Schedule 'C'.

14. Restrictions on the grant of invalid gratuity or pension.- (1) A member of the Service who is discharged from the Service on grounds other than those specified in rule 13 shall have no claim to invalid gratuity or pension or death-cum-retirement gratuity even though he produces medical evidence of incapacity for Service ²(nor will his family, be entitled to the benefits of the family pension).

(2) If the incapacity is directly due to irregular or intemperate habits. No invalid gratuity or pension or death-cum-retirement gratuity shall be granted to a member of the Service. If it has not been directly caused by such habits but has been accelerated or aggravated by them it shall be for the Central Government to decide

¹ Substituted for 'Fifty Five Years' vide MHA Notification No. 29/47/61-AIS(II) dt 25.5.63

² Inserted wef 1.6.64 vide MHA Notification No. 29/11/65-AIS(II) dt 5.2.66.

what reduction, if any, shall be made on this account in the retirement benefits otherwise admissible.

NOTE.- (1) The mere fact that a member of the Service has suffered from syphilis, taken by itself, is not sufficient to bring his case under the operation of this rule.

(2) Unsoundness of mind caused by drug habits shall be taken as sufficient to bring his case under the operation of this rule.

The expression "irregular or intemperate habits" occurring in this rule refers to incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity was due to other causes e.g. work at irregular hours during war and after, due to exigencies of service and not due to own violation, do not come under the purview of this rule.

15. Retirement from service of member of the Service in certain cases and grant of leave.- (1) A member of the Service who has been declared by a Medical Board to be permanently incapacitated for further service shall, if he is on duty, be invalided from Service from the date of relief which shall be arranged without delay on receipt of the report of the Medical Board or, if he is granted leave under sub-rule (2), on the expiry of such leave:

Provided that if he is on leave at the time of receipt of the report of the Medical Board, he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (2).

(2) A member of the Service in respect of whom a Medical Board has reported that there is no reasonable prospect of his ever being fit to return to duty, may not be granted leave except as follows:-

- (a) If the Medical Board is unable to say with certainty that the members of the Service leave not exceeding 12 months in all may be granted to him. Such leave shall not be extended without further reference to a Medical Board.
- (b) If a member of the Service has been declared by the Medical Board to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the Medical Board has been received, provided that the amount of leave so granted, together with any period of duty beyond the date on which the Medical Board signed their report shall not exceed 6 months.

16. Superannuation gratuity or pension.-¹(1) 49A member of the Service shall retire from the service with effect from the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a member of the Service whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years:

Provided further that a member of the Service dealing with budget work or working as a full-time member of a Committee which is to be wound up within a

¹ Substituted/Inserted vide DP&T Notification No. 25011/8/97-AIS(II) dt 13.5.98(GSR No. 249E dt 13.5.98).

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short period may be given extension of service for a period not exceeding three months in public interest, with the prior approval of the Central Government.

¹ Provided also that a Member of the Service holding the post of Chief Secretary to a State Government may be given extension of service for a period not exceeding six months on the recommendations made by the concerned State Government with full justification and in public interest, with the prior approval of the Central Government.

² Provided also that a member of the Service who has attained the age of fifty-eight years on or before the first day of May, 1998 and is on extension in service, shall retire from the service on the expiry of his extended period of service or on the expiry of any further extension, granted by the Central Government in public interest, and that no such extension in service shall be granted beyond the age of sixty years.

³(1A) Notwithstanding anything contained in sub-rule (1), the Central Government may, if it considers necessary in the public interest to do so, give extension in service to the incumbents of the posts of the Cabinet Secretary, Defence Secretary, Home Secretary, Director, Intelligence Bureau, Secretary, Research and Analysis Wing and Director, Central Bureau of Investigation for such period as it may deem proper

Provided that the total term of the Cabinet Secretary who is granted such extensions of service shall not exceed three years;

Provided further that the total term of the other Secretaries and Directors who are granted such extensions of service under these Rules shall not exceed two years.

⁴(2) A member of the Service may, after giving at least three months' previous notice in writing, to the State Government concerned, retire from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no member of the Service under suspension shall retire from service except with the specific approval of the ⁵Central Government.

⁶ Provided further that the State Government concerned on a request made by the member of the service may, if satisfied and for reasons to be recorded in writing, relax the period of notice.

⁷(2A) A member of the service may, after giving three months' previous notice in writing to the State Government concerned, retire from service on the date on which he completes 20 years of qualifying service or any date thereafter to be specified in the notice:

¹ Inserted vide notification No. 24012/22/2005-AIS(II) dated 30/11/2005

² Substituted vide DP&T Notification No. 25011/24/98-AIS(II) dt 7.12.98 (GSR No. 719 dt 7.12.98).

³ Substituted vide notification NO. 25011/4/2006-AIS(II) dated 12/6/2007.

⁴ Substituted vide DP&AR Notification No. 28/8/72-AIS(II) dt 30.9.72

⁵ Substituted vide DP&AR Notification No. 25012/1/88-AIS(II) dt 16.7.88 (GSR No. 567)

⁶ Added vide notification No. 29018/11/2003-AIS(II) dated 20/12/2004

⁷ Inserted vide DP&AR Notification No. 25011/24/77-AIS(II) dt 2.2.78 (GSR No. 253 st. 18.2.78)

Provided that a notice of retirement given by a member of the service shall require acceptance by the Central Government ¹if the date of retirement on the expiry of the period of notice would be earlier than the date on which the member of the Service could have retired from service under sub-rule (2).

Provided further that a member of the Service, who is on deputation to a corporation or company wholly or substantially owned or controlled by the government or to a body controlled or financed by the Government, shall not be eligible to retire from the service under this rule for getting himself permanently absorbed in such corporation, company or body.

²Provided also that a member of the Service borne on the Cadres of Assam-Meghalaya, Manipur-Tripura, Nagaland and Sikkim may retire from service on the date on which he/she completes 15 years of service.

³(3) The Central Government may, in consultation with the State Government concerned and after giving a member of the Service at least three months previous notice in writing, ⁴or three months' pay and allowances in lieu of such notice require that member to retire in public interest from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.

⁵Note 1: In computing the period of three month's notice referred to in sub-rules (2), (2A) and (3) the date of service of the notice and the date of its expiry shall be excluded.

Note 2: In the case of a member of Service who retires under sub-rule (2) or (2A) or who is retired under sub-rule (3), the date of retirement shall be treated as a non-working day.

⁶(4) A superannuation gratuity or pension shall be granted to a member of the Service who is required to retire under sub-rule (1) of this rule.

⁷**16-A. Acceptance of date of birth.-** (1) For the purpose of the determinations of the date of superannuation of a member of the Service, such date shall be calculated with reference to the date of his birth as accepted, by the Central Government under this rule.

(2) In relation to a person, appointed, after the commencement of the All-India Services (Death-cum-Retirement Benefits) Amendment Rules, 1971, to:-

- (a) The Indian Administrative Service under clause (a) or clause (aa) of sub-rule (1) of rule 4 of the Indian Administrative Service (Recruitment) Rules, 1954; or
- (b) The Indian Police Service under clause (a) or clause (aa) of sub-rule (1) of rule 4 of the Indian Police Service (Recruitment) Rules, 1954; or

¹ Substituted vide DP&T Notification No. 25012/1/88-AIS(II) dt 1.7.88 (GSR No. 567 dt 16.7.88)

² Added vide notification No. 29018/11/2003-AIS(II) dated 20/12/2004.

³ Substituted vide DP&AR Notification No. 28/8/72-AIS(II) 30.9.72.

⁴ Inserted vide DP&AR Notification No. 25011/45/75-AIS(II) dt 5.12.75.

⁵ Inserted vide DP&AR Notification No. 25011/6/80-AIS(II) dt 26.4.80 (GSR 512 dt 10.5.80).

⁶ Inserted vide MHA Notification No. 29/10/64-AIS(II) dt 1.9.65.

⁷ Substituted vide DP&AR Notification No. 25011/7/77-AIS(II) dt 7.7.78 (GSR No. 924 dt 22.7.78)

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- (c) The Indian Forest Service under clause (a) or clause (aa) of sub-rule (2) of rule 4 of the Indian Forest Service (Recruitment) Rules, 1966.

the date of birth as declared by such person in the application for recruitment to the service shall be accepted by the Central Government as the date of birth of such person..

(3) In relation to a person to whom sub-rule (2) does not apply, the date of birth as recorded in the service book or other similar official document maintained by the concerned government shall be accepted by the Central Government, as the date of birth of such person.

(4) The date of birth as accepted by the Central Government shall not be subject to any alteration except where it is established that a bonafide clerical mistake has been committed in accepting the date of birth under sub-rule (2) or (3).

¹**17. Retiring pension and gratuity.-** A retiring pension and death-cum-retirement shall be granted to a member of the services who retires or is required to retire under rule 16.

²(2) Notwithstanding anything contained in sub-rule (1), relief against rise in the cost of living index shall be granted to every such member of the Service at such scale and in such manner as may be prescribed by the Central Government from time to time for officers of the Central Civil Services, Class I.

18. Amount of gratuity or pension.- ³(1) (a) In case a member of the Service retires from service in accordance with the provisions of these rules, before completing qualifying service of ten years, gratuity shall be admissible at the rate of half month's pay of each completed six monthly period of qualifying service.

(b) (i) In case a member of the service retires from service in accordance with the provisions of these rules, after completing qualifying service of thirty three years or more, pension shall be admissible to him at the rate of fifty per cent of the average emoluments reckonable for pension:

⁴Provided that the pension calculated under this rule shall not be more than rupees fifteen thousand per month subject to the condition that the full pension shall in no case be less than fifty per cent of the minimum of the revised scale of pay introduced with effect from the 1st day of January, 1996 for the post last held by the member of the Service at the time of his retirement.

(ii) In case a member of the Service retires from service in accordance with the provisions of these rules after completing 10 years of qualifying service but less than 33 years of qualifying service, the pension admissible to him shall be such proportion of the maximum pension admissible under this sub-rule as the qualifying service rendered by him bears to the qualifying service of 33 years.

¹ Substituted wef 30.8.65 vide MHA Notification No. 29/10/65-AIS(II) dt 1.9.65

² Inserted/renumbered wef 1.5.73 vide DP&AR Noti. No. 33/20/730AIS(III) dt 31.5.75(GSR No. 724 dt 14.6.75)

³ Substituted vide DP&AR Notification No. 25011/14/79-AIS(II) dt 1.9.79 (GSR No. 1151 dt 5.9.79) and again substituted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522 E).

⁴ Substituted vide DP&T Notification No. 14021/5/98 - AIS(II) dt 14.1.99 (GSR No. 35E dt 14.1.99).

¹In case a member of the Service retires from Service between the 1st January, 1996 and the 31st December, 1997, and exercises an option to retain the pre-revised scale of pay and draws pension and death-cum-retirement gratuity under the rules in force immediately before the 1st day of January, 1996, the pension and death-cum-retirement gratuity in such cases shall be regulated as follows:

- (i) Pension shall be calculated at fifty percent of the average emoluments. To the amount so calculated, Dearness Relief up to AICPI 1510 at the prescribed rates shall be added and the amount so arrived at shall be regarded as pension.
- (ii) Death-cum-retirement gratuity shall be admissible with reference to emoluments at (i) above under the orders/rules (including that in respect of ceiling) in force immediately before coming into effect of the revised rules, with effect from 1st day of January, 1996.

Explanation:- In this sub-Clause, "emoluments" means "Pay" as defined in first provision of Rule 2(1) (bb).

(2) An Indian Civil Service member of the Indian Administrative Service shall be entitled to receive an annuity of Rs.13,333.33:

Provided that, if any such member opts for the death-cum-retirement gratuity scheme, his annuity shall be reduced by the annuity equivalent of the amount of gratuity.

²Provided that the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 22B.

³Note:- A member of the service retired from service before the 1st day of January, 1986 shall be granted such additional relief in pension as may be sanctioned by the Central Government.

19. Death-cum-retirement gratuity.- (1) Subject to the provisions of rule 14, a member of the Service who retires or is retired under rule 13 or 16⁴ and has on the date of such retirement completed 5 years⁵ qualifying service may be granted a death-cum-retirement gratuity not exceeding the amount specified in sub-rule (3).

(2) If a member of the Service⁵ dies while in service, a death-cum-retirement gratuity not exceeding the amount specified in sub-rule (3) may be paid to the person or persons on whom the right to receive such gratuity is conferred under rule 21 and if there is no such person, it may be paid in the manner indicated below:-

- (i) If there are one or more surviving members of the family as in items (i), (ii) and (iii) of clause (a) of sub-rule (1) of rule 21, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares.

¹ Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 712E dt 19.12.97).

² Inserted wef 31.12.72 vide Noti. No. 33/12/73 - AIS(II) dt 24.1.75 read with No. 25011/29/75-AIS(II) dt 30.1.76

³ Omitted/Inserted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522 E)

⁴ The figures & words "13 or 16" substituted for the figures and words "13-16 or 17" vide MHA Notification No. 29/10/64 - AIS(II) dt 1.9.65

⁵ Deleted vide MHA Notification No. 29/5/67-AIS(II) dt 1.9.68

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- (ii) If there are no such surviving members of the family as in clause (i) above, but there are one or more surviving widowed daughters and / or one or more surviving members of the family as in items ¹[(iv) to (viii)] of clause (a) of sub-rule (1) of rule 21 it may be paid to all such members, in equal shares.

²(2A) If a member of the Service dies after retirement without receiving the gratuity admissible under these rules, the gratuity shall be disbursed to the family in the manner indicated in sub-rule(2).

(2B) The right of a female member of the family or that of a brother of the member of the Service who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries or the brother attains the age of 18 years after death of the member of the service and before receiving his or her share of gratuity.

(2C) Where gratuity is granted under this rule to a minor member of the family of the deceased member of the service, it shall be payable to the guardian on behalf of the minor.

³(3) (a)(i) A retirement gratuity equal to one fourth of the emoluments for each completed period of six months of service shall be paid to member of the service on his retirement from service who has completed five years' qualifying service, subject to a maximum of sixteen and half times of the emoluments:

Provided that the amount of retirement gratuity payable under this clause shall not exceed rupees ⁴three lakh and fifty thousand.

(3)(a)(ii) In the case of the death of a member of the service while in service, death gratuity shall be admissible at the following rates:-

	Length of service	Rate of Gratuity
(i)	Less than one year	Two times of emoluments.
(ii)	One year or more but less than 5 years.	Six times of emoluments.
(iii)	5 years or more but less than 20 years	12 times of emoluments.
(iv)	20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times emoluments provided that the amount of Death Gratuity shall in no case exceed Rupees three lakh and fifty thousand.

¹ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 30.11.62

² Inserted vide DP&AR Notification No. 25011/37/80-AIS(II) dt 26.2.81 (GSR No. 276 dt 14.3.81)

³ Substituted vide DP&T Notification No. 25011/14/84-AIS(II) dt 31.5.85.

⁴ Substituted vide DP&T Notification No. 25011/24/97-AIS(II) A dt 19.12.97 (GSR No. 717E dt 19.12.97)

(b) If a member of the Service who has become eligible for gratuity or pension dies after he has retired from the service, and the sums to which he had become entitled at the time of his death on account of such gratuity or pension together with the death-cum-retirement gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than an amount equal to 12 times his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2).

¹ { }

²19A. *Interest on delayed payment of Gratuity or Death-cum-Retirement Gratuity:* (1) If the payment of gratuity or death-cum-retirement 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 lapses, ³interest at the rate prescribed by the Central Government from time to time shall be paid on the amount of gratuity or death-cum-retirement gratuity in respect of the period beyond three months.

(2) If as a result of Government's decision taken subsequent to the retirement of a member of the Service, the amount of gratuity or death-cum-retirement gratuity already paid on his retirement is enhanced on account of:-

- (i) grant of emoluments higher than the emoluments on which gratuity or death cum retirement gratuity was determined; or
- (ii) liberalisation in the provisions of these rules from a date prior to the date of retirement of the member of the Service concerned, no interest on the arrears of the gratuity or death-cum-retirement gratuity shall be paid.

⁴19-B. *Deposit Linked Insurance Scheme for members of the services-* On the death of the member of the service ⁵on or before 30th Sept., 91 and to whom rule 19BB does not apply the persons entitled to receive the amount standing to his credit in the Provident Fund under the All India Services (Provident Fund) Rules, 1955, shall be sanctioned an additional amount equal to the average balance in the said account during the three years immediately preceding the death of such members, subject to the fulfilment of the following conditions, namely:-

- (a) the balance in the said account should not have fallen below Rs.4000⁶ at any time during the said period of three years.
- (b) the limits upto which the benefit of insurance cover will be available will be Rs.10,000⁷.

¹ Omitted vide DP&T Notification No. 25011/12/87-AIS(II) dt 22.5.87.

² Inserted vide DP&AR Notification No. 25011/22/82-AIS(II) dt 16.7.83.

³ Substituted vide DP&T Notification No. 25011/14.84-AIS(II) dt 31.5.85.

⁴ Substituted vide DP&T Notification No. 25011/37/80-AIS(II) dt 26.2.81 (GSR No. 276 dt 14.3.81)

⁵ Inserted vide DP&T Notification No. 25011/25/89 - AIS(II) dt 2.7.90

⁶ Substituted/inserted vide Notification No.25011/37/80-AIS(II) dated 26.02.1981 (GSR No.276 dt. 14.03.1981)

⁷ Substituted/inserted vide Notification No.25011/37/80-AIS(II) dated 26.02.1981 (GSR No.276 dt. 14.03.1981)

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- (c) the benefit would be admissible only if the member of the service has put in at least five years' service at the time of his death.

Note1:-The average balance shall be worked out on the basis of the balance at the credit of a member of the service in his provident fund account at the end of each of the 36 months preceding the month in which the death occurs.

For this purpose, as also for checking the minimum balance prescribed in clause (a) above:-

- (i) the balance at the end of March, shall include the interest credited under rule 9 of the All India Service (Provident Fund) Rules, 1955, and;
- (ii) if the last of the aforesaid 36 months is not the month of March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note2.-Payment under this scheme shall be in whole rupees. If an amount due includes a fraction of a rupee it shall be rounded to the nearest rupee, a fraction of less than 50 paise being ignored.

Note3.-Any sum payable under this Scheme is in the nature of insurance money and, therefore, the statutory protection given by section 3 of the Provident Fund Act - 1925 (Act 19 of 1925) shall not apply.

¹19BB. Deposit-Link and Insurance Revised Scheme for members of the service - On the death of a member of the service, the person entitled to receive the amount standing to the credit of the member in the provident fund under the All India Services (Provident Fund) Rules, 1955, shall be sanctioned an additional amount equal to the average balance in the said account during the 3 years immediately preceding the death of such member, subject to the fulfilment of the following conditions, namely:-

- (a) the balance in the said account should not have fallen below Rs.12,000/- at any time during the 3 years preceding the month of death.
- (b) the additional amount payable under this rule shall not exceed Rs. 30,000/-.
- (c) the member of the service had put in at least 5 years of service at the time of his/her death.

Note 1. The average balance shall be worked out on the basis of the balance at the credit of the member of the service in his provident fund account at the end of each of the 36 months preceding the month in which the death occurs. For this purpose, as also for checking the minimum balance prescribed in clause (a):-

- (i) the balance at the end of March shall include the interest credited under rule 9 of the All India Services (Provident Fund) Rules, 1955; and

¹ Inserted vide DP&T Notification No.25011/25/89-AIS(II) dated 02.07.1990.

- (ii) If the last of the aforesaid 36 months is not the month of March, the balance at the end of said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note 2. Payment under this scheme shall be in whole rupees. If an amount due includes a fraction of a rupee it shall be rounded to the nearest rupees (50 paise or above counting as the next higher rupee).

Note 3. Any sum payable under this scheme is in the nature of insurance money and, therefore, the statutory protection given by section 3 of the Provident Fund Act, 1925 (Act 19 of 1925) does not apply to sums payable under this Scheme.

19-C. Recovery and Adjustments of Government dues:- (1) It shall be the duty of every retiring member of the service to clear all Government dues before the date of his retirement.

(2) Where a retiring member of the Service does not clear the Government dues and such dues are ascertainable:-

- (a) an equivalent cash deposit may be taken from him; or
- (b) an equivalent amount shall be deducted from the gratuity and the death-cum-retirement gratuity.

Explanation: For the purpose of this rule, dues which are ascertainable shall include balance of house building or conveyance advance, arrears of rent and other charge pertaining to occupation of Government accommodation, over payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961).

NOTE.- [] Omitted.

20. Conditions for grant of Retirement Benefits.- [] Deleted.

21. **Nominations.**- (1) For the purpose of this rule –

(a) “family” shall include the following relatives of the member of the Service :-

- (i) wife or husband
- (ii) sons;
- (iii) unmarried and widowed daughter;
- (iv) brothers below the age of 18 years ; and unmarried or widowed sisters;
- (v) father;
- (vi) mother;
- (vii) married daughter ; and
- (viii) children of a predeceased son.

NOTE 1.- Items (ii) and (iii) will include step children.

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NOTE 2.- An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer or if any doubt arises in the mind of the Accounts Officer the Solicitor to the State Government is satisfied that under the personal law of the member of the service adoption is legally recognized conferring the status if a natural child.

(b) " person" shall include any company or association or body of individuals whether incorporated or not.

(2) A member of the Service shall, soon after confirmation in the Service, make a nomination conferring on one or more persons the right to receive the death-cum-retirement gratuity that may be sanctioned under sub-rule (2) or clause (b) of sub-rule (3) of rule 19 and any gratuity, which having become admissible to him under rule 18 had not been paid to him before his death:

Provided that :-

(i) if at the time of making the nomination, the member of the Service has a family, the nomination shall not be in favour of any person or persons other than the members of his family ; and

(ii) where the member of the Service has only one member in his family in whose favour the original nominations should be made the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body or persons corporate or incorporate.

(3) If a member of the Service 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 death gratuity.

(4) A member of the service may provide in a nomination –

(a) in respect of any specified nominee that in the event of his predeceasing the member of the Service, the right conferred upon that nominee shall pass to each other person as may be specified in the nomination :

Provided that if at the time of making the nomination, the member of the Service has a family consisting of more than one member, the person to be specified shall not be a person other than a member of his family; and

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

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

(6) Every nomination shall be in such one of the forms given in the Schedules D to G, as may be appropriate in the circumstances of the case.

(7) (a) A member of the Service may at any time cancel a nomination by sending a notice in writing to his Accounts Officer :

Provided that the member of the Service shall along with such notice send a fresh nomination made in accordance with this rule.

(b) 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 (5), a member of the Service shall send to his Accounts Officer a notice in writing formally canceling the nomination together with a fresh nomination made in accordance with this rule.

(8) Every nomination made and every notice of cancellation given by a member of the Service under this rule shall be sent by him to his Accounts Officer.

(9) Every nomination made and every notice of cancellation given by a member of the Service shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

22. Family Pension – (1) ¹This rule applies to those members of the Service who were in Service on the 31st December 1963 and who had specifically opted for the benefits of this rule under the orders issued by the Central Government.

²(2) (a) The State Government may grant a family pension to the family of a member of the Service in the event of the death of that member after he had rendered twenty years of qualifying Service. In exceptional circumstances, the Central Government may grant a family pension to the family of a member of the Service if the death of such member occurs before he has completed twenty years of qualifying service, if he has rendered not less than ten years of qualifying service.

(b) The total period for which a family pension may be paid shall be ten years :

Provided that the period of payment of family pension shall in no case extend beyond a period of five years from the date on which the member of the Service actually retired, or on which he would have retired on superannuation pension in the normal course according as the death takes place after retirement or while the member of the service was in service.

NOTE :- In the case of a member of the Service who dies while on extension of service the expression “ date on which he would have retired on superannuation pension in the normal course” in the above proviso shall mean the date up to which extension of service has been sanctioned to him before his death.

¹ Added vide MHA Notification No. 29/7/60-AIS(I) dt 30.11.62

² Added vide MHA Notification No. 29/7/60-AIS(I) dt 30.11.62

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(3) Subject to the maximum of Rs. 150 per mensem the amount of family pension shall be –

- (a) In the event of death while in service, half the pension admissible to a member of the Service had he retired on a superannuation pension on the date following the date of death ;
- (b) In the event of death after retirement, half the pension sanctioned for him at the time of retirement.

¹ (3-A) The family pension admissible under this rule shall be enhanced by ad hoc increase at such scales and in such manner as the Central Government may, from time to time, specify for officers of the Central Services Group 'A'.

(4) For the purpose of this rule –

“family” shall include the following relative of the members of the Service :

- (i) wife or husband ;
- (ii) sons ;
- (iii) unmarried and widowed daughters ;
- (iv) brothers, below the age of 18 years; and unmarried or widowed sisters;
- (v) father ; and
- (vi) mother.

NOTE .1 – Items (ii) and (iii) will include step children.

NOTE . 2 – An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer, or if any doubt arise in the mind of the Accounts Officer, the Solicitor to the State Government, is satisfied that under the personal law of the member of the Service, adoption is legally recognized as conferring the status of a natural child.

(5) No family pension shall be payable under this rule –

- (a) to a person mentioned in clause (b) of sub-rule (6) without the production of reasonable proof that the person was dependent on the member of the Service for support ;
- (b) to an unmarried woman member of the family of the member of the Service in the event of her marriage ;
- (c) to a widowed woman member of the family of the member of the Service in the event of her re-marriage;
- (d) to a brother of a member of the Service, on the former attaining the age of 18 years; and
- (e) to a person who is not member of the family of the member of the Service.

¹ Substituted vide DP&AR Notification No. 25011/9/76-AIS(II)A dt 15.6.77

- (6) Except as may otherwise be provided by a nomination under sub-rule (7)–
(a) a family pension under this rule shall be allowed –

- (i) to the eldest surviving widow if the deceased was a male member of the Service or to the husband if the deceased was a woman member of Service :

Explanation – (i) The expression “ eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the age of the surviving widows ;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son :

- (iii) failing (i) and (ii), to the eldest surviving unmarried daughter ;

- (iv) failing the above, to the eldest widowed daughter ; and

(b) in the event of no family pension becoming payable under clause (a), family pension may be granted –

- (i) to the father ;

- (ii) failing (i) above, to the mother ;

- (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of 18 ;

- (iv) failing (i) to (iii) above, to the eldest surviving unmarried sister ;
and

- (v) failing (i) to (iv) above, to the eldest surviving widowed sister.

(7) If a member of the service who has completed 10 years service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in Schedule ‘H’ indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid, the family pension shall be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-rule (5) at the time of the grant of such pension. In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in that order.

NOTE – The provisions of clause (a) of sub-rule (7), sub-rule (8) and sub-rule (9) of rule 21 shall apply in respect of nomination made under this sub-rule also.

(8) (a) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

(b) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other causes, it shall be re-granted for the unexpired portion of that period to a person next lower in the order shown in the nomination made under sub-rule (7) or in the absence of a nomination, to the person in the order mentioned in sub-rule (6), who satisfies the other provision of this rule.

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(9) A family pension sanctioned under this rule shall be tenable in addition to any compensation or any extraordinary pension or gratuity that may be granted to the member of the pensioner's family under the existing rules or Acts.

¹(10) [] Deleted.

²**22-A. Continuation of family pension benefits** – (1) In respect of widows or minor children who were actually in receipt of family pension on the 31st December 1963, or who become entitled to family pension under these rules consequent on the death on or after the 1st January 1964, of an officer who retired as a member of the service before that date, the period of payment of family pension shall be extended beyond the expiry of the period of which family pension is admissible under rule 22 up to –

(a) the date of death or re-marriage, whichever is earlier, in the case of widows; and

(b) the date of attaining majority in the case of children or, the date of marriage, if earlier, in the case of daughters.

(2) The rate of family pension for the extended period will be equal to half the family pension admissible previously subject to a minimum of 20 per mensem.

NOTE – The benefits of the rule are subject to the general conditions laid down in sub-rules (8), (9) and (10) of rule 22.

³(3) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time specify for officers of the Central Services Group 'A'.

⁴**22-B . (1) Application** – This rule shall apply to –

(a) All the members of the Service appointed to the Service on or after the 1st January 1964.

(b) All those who were members of the service on 31st December 1963 and who opted or are deemed to have opted for this rule under the general or special order issued by the Central Government.

⁵(2) Subject to the provisions of rule 22C, ⁶with effect from the 1st day of January 1996, family pension shall in no case be less than thirty percent of the minimum pay in the revised scale of pay introduced with effect from the 1st day of January, 1996 of the post last held by the pensioner or the deceased member of the Service as the case may be subject to the minimum of rupees one thousand two hundred and seventy five per mensem and a maximum of rupees nine thousand.

¹ Deleted vide MHA Notification No. 25011/ 7/82-AIS(II) dt 24.3.83

² Inserted vide MHA Notification No. 29/50/64-AIS(II) dt 19.6.65

³ Substituted vide DP&AR Notification No. 25011/9/76-AIS(II) dt 15.6.77 (GSR No. 830 dt 2.7.77).

⁴ Substituted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83 (GSR NO. 293 dt 9.4.83).

⁵ Substituted vide DP&AR Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522E).

⁶ Substituted vide P&T Notification No. 14021/5/98-AIS(II) dt 14.1.99 (GSR No. 35 E dt 14.1.99).

¹NOTE: In case, the members of the Service who retire or will be retiring between the 1st day of January, 1996 and the 31st day of December, 1997 exercise an option to retain the pre-revised scales of pay, the family pension in such cases shall be allowed in accordance with the rules and orders applicable prior to the 1st day of January, 1996 and shall be calculated with reference to the basic pay in the pre-revised scale. To the family pension so calculated Dearness Relief up to average AICPI 1510 at the prescribed rate shall be added. The amount so arrived at shall be regarded as the family pension for regulating payment of Dearness Relief beyond average AICPI 1510.

(3) The period for which family pension is payable shall be as follows:-

- (i) In the case of a widow or widower, up to the date of death or remarriage, whichever is earlier;
- ²(ii) in the case of a son or unmarried daughter till such son or daughter attains the age of 25 years or up to the date of his/her marriage, whichever is earlier;
- (iii) in the case of a widowed/divorced daughter till her remarriage, subject to the income criterion as prescribed by the Central Government from time to time.
- (iv) in case of parents, up to the death of both the parents.

Provided that if the son or daughter of a member of the service is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years in the case of a son or a daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

- (a) if such son or daughter is one among two or more children of the member of the service, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (5) of this rule until the last minor child attains the age of 25 years, as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him or her, for life;
- (b) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely:
 - (i) firstly to the son, and if there are more than one son the younger of them will get the family pension only after the life time of the elder;
 - (ii) secondly, to the daughter, and if there are more than one daughter the younger of them will get the family pension only after the life time of the elder;

¹ Inserted vide DP&T Notification No. 25011/24/97-AIS(I) dt 19.12.97 (GSR No. 717E dt 19.12.97).

² Substituted vide notification No. 25014/10/2005, dated 20/12/2005.

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- ¹(c) family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of physically crippled or disabled son/daughter who had attained the age of majority;
- (d) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;
- (e) the person receiving the family pension as guardian of such son or daughter ⁸⁸or such son or daughter not receiving the family pension through guardian, shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Notes: []² Omitted.

1. A daughter shall become ineligible for family pension under the sub-rule from the date she gets married.
2. The family pension payable to such a son or daughter shall be stopped, if he/she starts earning his/her livelihood.
3. In such cases it shall be the duty of the guardian ³or son or daughter to furnish a certificate to the Treasury or Bank, as the case may be, every month, that (i) he or she has not started earning his/her livelihood; (ii) in case of daughter, that she has not yet married.

(4)(a): (i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

(ii) On the death of a widow, her share of the family pension shall become payable to her eligible child; provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.

(b) Where the deceased member of the service or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the member of the service or pensioner.

(5) (i) Except as provided in sub-rule (4), the family pension shall not be payable to more than one member of the family at the same time.

(ii) If a deceased member of the service or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

¹ Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(B) dt 19.1.91.

² Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)B dated 1.1.1991

³ Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)B dated 1.1.1991

(iii) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of 21 years and thereby become ineligible for the grant of family pension.

(6) Where a deceased member of the Service or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) of clause (iii) of sub-rule (3) as the case may be, and after the expiry of the period the next child shall become eligible for the grant of family pension.

(7) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

(8) In case both wife and husband are members of the service and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely:-

- (a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in Rule 22-C, the amount of both the pensions shall be limited to ¹two thousand five hundred rupees per mensem;
- (ii) if one of the family pensions ceased to be payable at the rate mentioned in Rule 22-C and in lieu thereof the pension at the rate mentioned in sub-rule (2) of this rule becomes payable the amount of both the pensions shall also be limited to two thousand five hundred rupees per mensem;
- (b) if both the family pensions are payable at the rates mentioned in sub-rule (2) of this rule, the amount of two pensions shall be limited to ²one thousand two hundred and fifty rupees per mensem.

(9) Where a member of the service dies leaving behind a judicially separated husband or widow, as the case may be, and no child or children, the family pension in respect of the deceased shall be payable to the person surviving:

Provided that where, in a case, judicial separation is granted on the ground of adultery and the death of the member of the service takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

(10) (a) Where a member of the Service dies leaving behind a judicially separated husband or widow as the case may be, with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving persons provided he or she is the guardian of such child or children.

¹ Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91.

² Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91.

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(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(11) (i) As soon as possible after joining service a member of the Service shall give details of his family in the form given in Schedule J to the Accounts Officer. If he has no family, he shall furnish the details as soon as he acquires a family.

(ii) If there is a subsequent change in the family, including the marriage of a daughter, the facts shall be intimated to the Accounts Officer, who shall make necessary entry in the form.

(iii) The Accounts Officer shall, on receipt of the form, keep it in safe custody and acknowledge receipt of the form and all further communications received from the member of the Service in this behalf.

(12): (i) The benefits of this rule shall not accrue to the family of a member of the Service who is dismissed or removed from service:

Provided that if such a member of the service was in receipt of compassionate allowance under proviso to sub-rule (1) of rule 5, his family shall be eligible to family pension under this rule;

(ii) Family pension under this rule shall not be admissible to the family of a member of the Service when the family pension under the Extraordinary Pension Rules (whether made by the Central Government or the State Government) is granted to such family.

(13) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time, specify for officers of Central Services Group 'A'.

(14) Definition of "Family".

'Family' for the purpose of this rule includes the following relatives of a member of the Service, namely:-

- (i) wife and husband as the case may be, provided the marriage took place before the retirement of the member of the service; []¹
- (ii) a judicially separated wife or husband such separation not being granted on the ground of adultery, and the person surviving was not held guilty of committing adultery.
- (iii) son and daughter who has not attained the age of 25 year including son and daughter adopted legally before retirement []².

¹ Deleted vide DP&T Notification No. 25011/40/90-AIS(II) dt 31.10.91.

² Deleted vide DP&T Notification No. 25011/49/88-AIS(II) dt 29.1.91.

- (iv) ¹the parents provided they were wholly dependent on the Government servant when he/she was alive and the deceased employee had left behind neither a widow nor a child subject to the dependency criteria in case of parents as prescribed by Central Government from time to time.

²22-C. Special Provision regarding family pension in certain cases.

For a period of seven years from the date following the date of death or till the date on which the member of the Service would have ³(attained the age of 65 years) had he remained alive, whichever period is shorter, the pension payable under sub-rule (2) of rule 22-B, shall be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under the said sub-rule:

Provided that the enhanced pension will be admissible if the member of the Service has put in at least 7 years' continuous service prior to his death:

Provided further that in the event of death after retirement the enhanced pension rates shall not exceed the pension sanctioned to the member of the Service at the time of the retirement inclusive of the part of the pension which the retired member of the Service may have commuted before his death.

Explanation 1.- In case a member of the Service dies while on extension of Service, the date upto which the extension of service has been sanctioned before his death shall be deemed to be the normal date of superannuation.

Explanation 2.- Family Pension in the case of the death of a member of the Service after retirement shall be payable only to those members of his family who were declared as such before his retirement:

Provided that no such declaration is necessary in respect of such of the members of the Service who retire during the period between the 1st January, 1973 and the date of publication of the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1975, in the Official Gazette.

⁴23. Deleted.

⁵24. Deleted.

25. Commutation of Pension :- A member of the service may commute his pension under such conditions and to such extent as may be prescribed by Regulations made in this behalf by the Central Government after consultation with the Governments of the States.

¹ Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 717E dt 19.12.97).

² Added vide MHA Notification No. 29/61/67-AIS(II) dt 20.3.68 (wef 1.1.85)

³ Substituted /deleted vide DP&AR Noti. No. 33/12/73 - AIS(II) dt 24.1.75 read with No. 25011/29/75-AIS(II) dt 30.1.76 (wef 31.12.72)

⁴ Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62.

⁵ Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62

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¹26. **Acceptance of employment after retirement:-** (1) A pensioner shall not accept any commercial employment before the expiry of ²one year from the date of his retirement, except with the previous sanction of the Central Government by submitting an application in Schedule 'L'. If a pensioner accepts a commercial employment without such sanction, it shall be competent for the Central Government to declare by an order in writing that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order:

Provided that the previous sanction may be granted by the State Government concerned on whose cadre the member of the service is borne and who is not holding a post higher than a post in the pay scale of Rs.22400-24500/- and has not worked under the Central Government during the preceding ³three years prior to his retirement from the service.

Provided further that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

⁴Provided also that it shall be competent for the Central Government or the State Government, as the case may be, to allow the pensioner to continue in any commercial employment in an organisation with whom the services of the Members of the All India Services had been placed immediately before his/her retirement under the provisions of the respective Cadre Rules of All India Services pending formal sanction of such commercial employment subject to the condition that the Member of the Service shall withdraw from such organisation forthwith once a decision is taken by the Competent Authority not to accord such sanction."

⁵Provided also that a pensioner who has been permitted by the Central Government to take up a particular commercial employment during leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

⁶**Explanations:**

(1) 'Commercial Employment' means: -

- (i) an employment, whether paid or honorary, in any capacity including that of an agent under a company, firm, co-operative society, body or individual engaged in trading, commercial, industrial, financial or professional business, and includes a directorship of such company or partnership of such firm but does not include employment under a body corporate, wholly or substantially owned or controlled by Government;
- (ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which a pensioner has-

¹ Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83).

² Substituted vide notification no. 26013/2/2006-AIS(II) dated 12/1/2007.

³ Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007.

⁴ Inserted vide notification no. 23013/11/2005-AIS(II), dated 8/3/2007.

⁵ Substituted vide notification no. 29018/11/2003-AIS(I) dated 20/12/2004.

⁶ Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83).

- (a) no professional qualifications and the matters in respect of which the practice is proposed to be set up or carried on are relatable to his official knowledge or experience; or
- (b) 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
- (c) to undertake work involving liaison or contact with the offices or officers of the Government.

NOTE: 1. For the purpose of this Explanation, 'employment under a co-operative society' includes 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 society.

2. For the purpose of this sub-rule the expression "the date of retirement" in relation to a pensioner re-employed after retirement, without any break either in a Class I post under the Central Government, or in an equivalent post under a State Government, shall mean the date on which such pensioner finally ceases to be so re-employed in Government service.

(2) A pensioner shall not accept any employment under a Government outside India, (or under an international organization of which the Government of India is not a member) except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts such an employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine:

Provided that a pensioner who has been permitted by the Central Government to take up a particular employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment.

NOTE.-"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.

¹(3) In granting or refusing permission under sub-rule (1) or sub rule (2) to a pensioner for taking up any employment, the Central Government or the State Government, as the case may be, shall have the following factors, namely:-

- (i) whether the organisation the pensioner proposes to join has any conflict of interest or activities prejudicial to India's foreign relations, national security and domestic harmony; and whether the organisation is undertaking any form of intelligence gathering;

¹ Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007 .

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- (ii) whether the pensioner has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organisation which he proposes to join or the areas in which he proposes to practice/consult,
- (iii) whether there is conflict of interest between policies of the office(s) held by the pensioner during the last three years and the interest represented or work undertaken by the organisations he proposes to join. Such conflict of interest, however, should not be interpreted narrowly to mean normal economic competition with Government or its Undertakings,
- (iv) whether the service record of the pensioner is clear, particularly with respect to integrity and dealings with Non-Government Organisations,
- (v) the emoluments offered by the proposed employer to the pensioner and whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevalent in the Industry. (The word "far in excess" should not be narrowly interpreted to cover increases in such benefits that may be result of buoyancy in the industry or in the economy as a whole); and
- (vi) any other relevant factors."

27. Anticipatory Payments:- (1) Where a member of the service is likely to retire before his pension can finally assessed and settled in accordance with these rules, the Accounts Officer shall sanction the disbursement to him of pension to which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the service to be entitled, on the basis of his verified qualifying service, provided that such disbursement shall be made only after the declaration specified in schedule ' I ' has been signed by the retiring member of the service.

(2) If the Accounts Officer considers it likely that, in a case contemplated under sub-rule (1), the member of the service would be entitled to gratuity only, one-sixth of the amount of gratuity which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the service to be entitled shall upon a similar declaration, be disbursed to him monthly until the amount is finally settled or for six months, whichever period is less.

(3) The payment of the anticipatory pension or gratuity shall be so arranged that it is not delayed beyond the first of the month following the month in which the member of the service is due to retire.

(4) If, upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first payment after such final settlement:

Provided that if a gratuity summarily assigned under sub-rule (2) proves to be larger than the amount finally settled, the retired member of the service shall not be required to refund any excess actually paid to him unless otherwise decided by the State Government.

(5) Subject to the general condition prescribed above the anticipatory payment of death-cum-retirement gratuity and family pension may also be sanctioned to the extent of $\frac{3}{4}$ ths of the amounts clearly admissible on the basis of the qualifying service as verified upon to the date of sanction, and after a declaration in the form given in Schedule ' I ' has been signed by the recipient.

27-A. Revision of Pension after authorisation- (i) Subject to the provisions of rule 3 and Rule 6, Pension once authorised after final assessment shall not be revised to the disadvantage of the member of the service, unless such a 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 any Authority without the concurrence of the Department of Personnel and Training, if the clerical error is detected after a period of two years from the date of occurrence of such error.

(ii) For the purpose of sub rule (I), the pensioner concerned shall be served with a notice by the sanctioning authority requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(iii) In case the pensioner fails to comply with the notice, the authority competent to sanction pension/family pension 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 such authority may direct.

28. Miscellaneous:- (1) The amount of pension shall be rounded off to next higher rupee.

(2) The retirement benefits under these Rules shall be drawn in rupees in India only.

(3) Application for the grant of retirement benefits under these Rules shall be made in such form as may be prescribed by the Central Government.

(4) The []² payment of retirement benefits admissible under these Rules shall be regulated by such procedural instructions as may be issued by the Central Government.

(5) A pension under these Rules shall be payable from the date on which the member of the service quits service or from the date of his application for pension whichever is later:

Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the State Government may allow the pension to take effect from the date on which the member of the service quits service.

(6) The claim of a member of the service to the retirement benefits shall be regulated by the rules in force at the time when the member of the service resigns, retires or is retired or discharged from service or where the member of the service dies while in service immediately before death.

¹ Inserted vide DP&T Notification No. 25011/24/97-AIS(II)A dt 19.12.97 (GSR No. 717E dt 9.12.97).

² Omitted vide DP&AR Notification No. 25011/13/80-AIS(II) dt 11.9.80 (GSR No. 978 dt 27.9.80).

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(7) The authorities competent to retire a member of the service on different kinds of retirement benefits shall be those indicated in 'Schedule 'K'.

29. Interpretation:- If any question arises as to the interpretation of these Rules, the Central Government shall decide the same.

30. Repeal:- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.

¹ Substituted vide DP&AR Notification No. 25011/7/82-AIS(I) dt 24.3.83 (GSR No. 293 dt 9.4.83) .

¹**SCHEDULE-A** – [Deleted]

²**SCHEDULE-B**– [Deleted]

SCHEDULE-C

(a) FORM OF MEDICAL CERTIFICATE IN INDIA.

The form of the certificate to be given respecting a member of the Service in India is as follows:-

“Certified that we have carefully examined A, B, son of C.D. holding the post of under the Government His age is by his own statement years and by appearance about years. We consider A.B. to be completely and permanently incapacitated for further service of any kind in the Indian Administrative Service/Indian Police Service in consequence of (here state disease or cause). His incapacity does not appear to us to have been caused by irregular or intemperate habits.

NOTE:- (If the incapacity is obviously the result of intemperance, substitute for the last sentence: “ In our opinion his incapacity is the result of irregular or intemperate habits”).

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made). “We are of opinion that A.B. is fit for further service of a less laborious character than that which he has been doing (or may, after residing for months, be fit for further services of a less laborious character than that which he has been doing”).

**(b) FORM OF MEDICAL CERTIFICATE IN COUNTRIES
OUTSIDE INDIA.**

The form of the medical certificate given by the Medical Board attached to the Indian Mission abroad in respect of a member of the Service in a station outside India is as follows:-

“ We have carefully examined A.B taking into account all the facts of the case as well as his present condition, we consider that A.B. is permanently incapacitated for further service in India”.

NOTE:- (If the incapacity is obviously the result of intemperance add the following sentence at the end:-

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

¹ Deleted vide DP&AR Notification No. 25011/14/79-AIS(II) dt 1.9.79 wef 31.3.79 (GSR No. 151 dt 15.9.79)

² Deleted wef 31.12.72 vide DP&AR Noti. No. 33/12/73-AIS(II) dt 24.1.75 read with No. 25011/29/75 dated 30.1.76

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APPENDICES

¹SCHEDULE-D.

**NOMINATION FOR DEATH- cum- GRATUITY (WHEN THE MEMBERS
OF THE SERVICE HAS A FAMILY AND WISHES TO NOMINATE ONE
MEMBER THEREOF).**

I hereby nominate the person mentioned below who is a member of my family and confer on him the right to receive any death-cum-retirement gratuity that may be sanctioned by State Government in the event of death while in service and the right to receive on my death, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the member of the service	Age	Contingencies on the happening on which the nomination shall be come invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the service or the nominee dying after the death of the member of the service but before receiving payment of gratuity.	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on which stands cancelled.

Dated this day of 198 at

Witnesses to Signature:

1)

2)

**Signature of the member of the
Service.**

¹ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

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¹SCHEDULE-E.

NOMINATION FOR DEATH-cum- RETIREMENT GRATUITY

(When the members of the service has a family and wishes to nominate more than one member thereof).

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any death-cum-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to received on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:-

Name and address of nominee	Relationship with the member of the service	Age	Amount or share of gratuity payable to each	Contingencies on the happening on which the nomination shall be come invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the service or the nominee dying after the death of the member of the service but before receiving payment of gratuity	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

This nomination supersedes the nomination made by me earlier on which stands cancelled.

Dated this day of 198 at

Witnesses to Signature:

1)

2)

Signature of the member of the Service.

¹ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

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APPENDICES

¹SCHEDULE-H

NOMINATION FOR FAMILY PENSION

I, hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by State Government in the event of my death after completion of 10 years of qualifying service.

Name and address of nominee	Relationship with the member of service	Age	Whether married or unmarried
(1)	(2)	(3)	(4)

This nomination supersedes the nomination made by me earlier on which stands cancelled.

Dated this day of 198 at

Witnesses to Signature:

1)

2)

**Signature of the member of the
Service.**

N.B.- The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

¹ Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62.

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SCHEDULE-I

DECLARATION FORM

Whereas the (here state the designation of the officer sanctioning the advance) has consented provisionally, to advance to me the sum of Rs..... a month/Rs..... in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of gratuity/pension/death-cum-retirement gratuity/family pension, payable to me ¹(as the nominee/legal heir of Thiru.....).

I hereby acknowledge that, in accepting this advance I fully understand that any gratuity/pension/death-cum-retirement gratuity/family pension payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base on objection to such revision on the ground that the provisional gratuity/pension/death-cum-retirement gratuity/family pension now to be paid to me exceeds the gratuity/pension/death-cum-retirement gratuity/family pension which may be finally sanctioned to me. I further promise to repay any amount advanced to me in excess of the gratuity/pension/death-cum-retirement gratuity/family pension that may be finally sanctioned to me.

Signature.....

Designation (if a Government Servant)

Station

Date

.....
Witness Signature:
(with address)

1)

2)

Signature of the member of the service.

¹ The words may be omitted where inapplicable.

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APPENDICES

¹SCHEDULE-J

[See rule 22B(11) (i)]

DETAILS OF FAMILY

Name of the member of the Service :

Designation :

Date of Birth :

Date of appointment :

Details of members of my family as on :

S.No.	Name of the member of Family ²	Date of Birth	Relationship with the officer	Remarks
(1)	(2)	(3)	(4)	(5)

¹ Inserted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83.

² The words may be omitted where inapplicable.

APPENDICES

SCHEDULE-K

Authorities competent to retire a member of the service on various kind of retirement benefits.

Nature of Retirement Benefits	Authority Competent to Retire
(1)	(2)
(i) Proportionate pension under rule 7 and death-cum-retirement gratuity where admissible.	Central Government
(ii) Invalid gratuity or pension under rule 13 and death-cum-retirement gratuity where admissible.	State Government after obtaining the concurrence of the Central Government.
¹ (iii) Superannuation pension or gratuity under sub-rule (4) of rule 16 and death- cum- retirement benefits where admissible.	State Government
(iv) Retiring pension under rule 17 ² [read with rule 16(2), 16(2A)] and death-cum-retirement gratuity where admissible	State Government
(iv-a) Retiring pension under rule 17 ³ [read with rule 16(3)] and death-cum-retirement gratuity where admissible.	Central Government in consultation with the State Government concerned.
(v) Family Pension under rule 22, ⁴ 22A and 22B and death-cum-retirement gratuity where admissible.	State Government.

¹ Substituted wef 30.8.65 vide Notification No. 29/10/64-AIS(II) dt 1.9.65.

² Substituted vide MHA Notification No. 29/47/60-AIS(II) dt 20.1.68.

³ Added vide Notification No. 29/50/64-AIS(II) dt 19.6.65.

⁴ Substituted /inserted/modified vide Notification No. 2501 1/7/82-AIS(II) dt 24.3.83.

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RETIREMENT BENEFITS) RULES 1958.**

APPENDICES

'SCHEDULE L

(See sub-rule (1) and (2) of rule 26)

FORM OF APPLICATION TO ACCEPT COMMERCIAL EMPLOYMENT

1. Name(in block letters) :
2. Date of retirement :
3. Ministry/Department/Office in :
which the officer served during the
last three years preceding
retirement (with duration)

Name of the Ministry/ Department/ Office	Post held	Duration	
		From	To

Note: Before granting permission a 'no objection' would be obtained from the Cadre Controlling Authority and from the office from where the officer retired.

4. Post held at the time of retirement :
and period for which held
5. Pay scale of the post and pay :
drawn by the Officer at the time of
retirement
6. Pensionary benefits:

Pension expected/sanctioned (commutation, if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial :
employment proposed to be taken up-
 - (a) Name of the firm/company/co- :
operative Society, etc.
 - (b) Type of business carried out and :
products being manufactured or
services being provided by the
firm/ company/co-operative
Society, etc.
 - (c) Whether the officer had during the :
last three years of his official
career, any dealings with the firm
company / cooperative Society,
etc.

¹ Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007 .

**THE ALL INDIA SERVICES (DEATH-CUM-
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- (d) Duration and nature of the official :
dealings with the
firm/company/co-operative
Society, etc.
- (e) Name of the job/post offered by the :
firm/company/co-operative
Society, etc.
- (f) Whether post was advertised, if :
not, how was offer made (attach
details of the advertisement, and a
copy of the offer of appointment,
if any).
- (g) Description of the duties of the :
job/post.
- (h) Remuneration offered for post/job. :
- (i) If proposing to set up a practice, :
indicate
- (i) professional qualification/in the :
field of practice,
- (ii) nature of proposed practice. :
9. Any information which the applicant :
desires to furnish in support of his
request.
10. Declaration :- :

I hereby declare that-

- (i) The employment which I propose to take up will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office(s) held by the me during the last three years and the interest represented or work undertaken by the organisations I propose to join and will not bring me into conflict with the working of the Government.
- (ii) I have not been privy to sensitive or strategic information in the last three years of service which is directly related to the areas of interest or work of the organisation which I propose to join or the areas in which I propose to practice/consult.
- (iii) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.

I agree to withdraw from the Commercial Employment in case of any objection by the Government.

Address:

Place:

Dated:

Signature of the applicant.

APPENDIX-V
THE PENSIONS ACT, 1871

APPENDIX-V

THE PENSIONS ACT, 1871

(Act No.XXIII of 1871).

(An Act to consolidate and amend the law relating to pensions and grants by Government of money or land revenue).

(Preamble:- Whereas it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land revenue; it is hereby enacted as follows:-

PRELIMINARY

Short Title:- (a) This Act may be called The Pensions Act. 1871.

Extent of Act:- It extends to the whole of India except the territories which immediately before the 1st November, 1956, were comprised in Part B States.

2. Enactments Repealed, Savings of Rules:- (Repealed by the Repealing Act, 1938 (1 of 1938) S.2 and Schedule).

3. Interpretation Section:- In this Act, the expression "Grant of money or land revenue" includes anything payable on the part of Government in respect of any right, privilege, perquisite or office.

3.A. Definition:- The expression "the appropriate Government" means in relation to Union pensions, the Central Government and in relation to other pensions, the State Government.

II. RIGHTS TO PENSIONS

4. Bar of suits relating to pensions: Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land revenue conferred or made by the Government or by any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

5. Claims to be made to Collector or other Authorised Officer:- Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other Officer authorized in this behalf by the appropriate Government and such Collector, Deputy Commissioner or other Officer shall dispose of such claim in accordance with such rules as the Chief Revenue authority may, subject to the general control of the appropriate Government, from time to time prescribe in this behalf.

6. Civil Court Empowered to take cognizance of such Claims:- A Civil Court otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other Officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

7. Pensions for lands held under grants in perpetuity.- Nothing in Sections 4 and 6 applies to:-

(1) any inam of the class referred to in Section 1 of Madras Act No.IV of 1862;

(2) Pensions heretofore granted by Government in the territories respectively subject to the Lieutenant:- Governor of Bengal and the North Western Provinces, either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right in perpetuity. Such pensions shall not be liable to resumption on the death of the recipient, but every such pension shall be capable of alienation and descent, and may be used for and recovered in the same manner as any other property.

III. MODE OF PAYMENT

8. **Payment to be made by Collector or other Authorized Officer:-** All pensions or grants by Government of money or land revenue shall be paid by the Collector or the Deputy Commissioner or other authorized officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue authority.

9. **Savings of rights of grantees of land revenue:-** Nothing in Sections 4 and 8 shall affect the right of a grantee of land revenue, whose claim to such grant is admitted by Government to recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

10. **Commutation of Pensions:-** The appropriate Government may, with the consent of the holder, order the whole or any part of his pension or grant of money or land revenue to be commuted for a lump sum on such terms as may deem fit.

IV. MISCELLANEOUS

11. **Exemption of Pension from Attachment:-** No pension granted or continued by Government on political considerations or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any such pension or allowance shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor, for any demand against the pensioner or in satisfaction of a decree or order of any such Court.

This section applies also to pensions granted or continued, after the separation of Burma from India by the Government of Burma.

12. **Assignments etc., anticipation of pension to be void:-** All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in Section 11, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowance, or for giving or assigning any future interest therein, are null and void.

13. **Reward to Informers:-** Whoever proves to the satisfaction of the appropriate Government that any pension is fraudulently or unduly received by the person enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension for the period of six months

14. Power to make rules:- In each state the Chief Controlling Revenue Authority may, with the consent of the appropriate Government, from time to time make rules consistent with this Act respecting all or any of the following matters:-

- (1) the place and times at which, and the person to whom, any pension shall be paid;
- (2) inquiries into the identity of claimants;
- (3) records to be kept on the subject of pensions;
- (4) transmission of such records;
- (5) correction of such records;
- (6) delivery of certificates to pensioners;
- (7) registers of such certificates.
- (8) reference to the Civil Court, under Section 6, of persons claiming a right of successions to, or participation in, pensions or grants of money or land-revenue payable by Government; and generally for the guidance of officers under this Act.

All such rules shall be published in the Official Gazette and shall thereupon have the force of law.

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APPENDIX-VI
THE HIGH COURT JUDGES
(SALARIES AND CONDITIONS OF SERVICE)
ACT, 1954

APPENDIX.VI

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

(ACT XXVIII OF 1954)

(As amended upto 16th March, 2009)

CHAPTER – I.

PRELIMINARY

1. Short title :- This Act may be called the High Court Judges ¹(Salaries and Conditions of Service) Act ,1954

2. Definition :- (1) In this Act, unless the context otherwise requires-

(a) "Acting Chief Justice" means a Judge appointed under article 223 of the Constitution to perform the duties of the Chief Justice :

(b) "Acting Judge" means a person appointed to act as a Judge under sub-section(2) of section 222 of the Government of India Act. 1935 or under clause (2) of Article 224 of the Constitution.

(c) 'Actual Service' includes:-

- (i) ²[time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge];
- (ii) vacations, excluding any time during which the Judge is absent on leave;
- (iii) joining time on transfer from a High Court to the Supreme Court or from one High Court to another or from the Supreme Court to a High Court;
- (iv) time spent by a Judge on duty as a Judge of a former Indian High Court;
- (v) time spent by a Judge to attend the sitting of the Supreme Court as an ad-hoc Judge, under article 127 of the Constitution; and
- (vi) vacations (excluding any time during which the Judge was absent on leave) taken by a Judge as a Judge of a former Indian High Court.

(d) 'Additional Judge' means a person appointed as an additional Judge under sub-section (3) of section 222 of the Government of India Act, 1935 or under clause (1) of Article 224 of the Constitution;

¹ Subs. by Act No. 18 of 1998.

² Justice P. Venugopal Vs. Union of India & Ors. 2003 (7) S.C.C. , 726.

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

(e) 'Former Indian High Court' means the High Court at Rangoon, the High Court at Lahore, the Chief Justice of Sind or the Judicial Commissioner's Court of North- West Frontier Province;

(f) 'High Court' means a High Court for a State and includes a High Court which was exercising jurisdiction in a Part A State or in the corresponding Province before the commencement of the Constitution;

(g) 'Judge' means a Judge of a High Court and includes the Chief Justice, *
¹[an acting Chief Justice, an additional Judge and an acting Judge of the High Court];

²(gg) 'Pension' means a pension of any kind whatsoever payable to or in respect of a Judge, and includes any gratuity or other sum or sums so payable by way of death or retirement benefits;

(h) 'Service for pension' includes -

- (i) actual service;
- (ii) ³[forty five days or the amount actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary]
- (iii) joining time on return from leave out of India;

1. 'Prescribed' means prescribed by rules made under this Act.
2. In the calculation of service for the purpose of this Act, previous service for any period or periods as acting Judge or Additional Judge or as a Judge of a former Indian High Court shall be reckoned as service as a Judge but, save as otherwise expressly provided, previous service as an acting Chief Justice shall not be reckoned as service as Chief Justice
3. Any period of leave taken by a Judge before the commencement of this Act under the rules then applicable to him as an acting Judge, Additional Judge or a Judge shall, for the purposes of this Act, be treated as if it were leave taken by him under this Act
4. Any period of leave taken by a Judge while serving as a Judge of a former Indian High Court before his appointment to a High court shall for the purposes of this Act be treated as if it were leave taken by him under this Act.

¹ Subs. by Act No. 46 of 1958; an acting Chief Justice of the High Court.

² Added by Act No. 50 of 1961; in sub- section 1 of section 2 after clause (g).

³ Subs. by Act No. 78 of 1971; forty five days.

CHAPTER – II.

LEAVE

3.(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either:

¹(a) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or

(b) leave on half allowances; or

(c) leave partly on full allowances and partly on half allowances.

(2). For the purpose of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

4. Leave account showing the amount of leave due :- (1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge

(a) there shall be credited to him-

(i) One-fourth of the time spent by him on actual service;
²[...]

(ii) where the Judge, by reason of his having been detained for the performance of duties not connected with the High Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

³[(iii) where the Judge had, prior to his appointment as such, held any pensionable post under the Union or a State, the period of leave earned by him in the said post, ⁴(---) and"]

(b) there shall be debited to him all leave with allowances taken by him.

⁵4A. Leave encashment :- A Judge shall be entitled in his entire service, including the period of service rendered in a pensionable post under the Union or State or on re-employment, if any, to claim the cash equivalent of leave salary on his

¹ Subs. by Act No. 78 of 1971; leave on full allowances or.

² Omitted by Act No. 38 of 1986; the word "and" occurring at the end.

³ Ins. by Act No. 38 of 1986; after sub- clause (ii)

⁴ Omitted by Act. No. 7 of 1999; in sec.4, in sub-section (2), in clause (a), in sub-clause (iii), the words "so, however, that such period full allowances

⁵ Ins. by Act No. 7 of 1999; After Section 4.

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955.

5. Aggregate amount of leave which may be granted :-(1). The aggregate amount of leave which may be granted to a Judge during the whole period of his service as such shall not exceed in terms of leave on half allowances three years together with the aggregate of the periods, if any, credited to his leave account under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed.

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one-twenty-fourth of the period spent by him in actual service together with one-half of the aggregate periods, if any, credited to his leave account under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed.

¹(3) Subject to the provisions of sub-section (2) of section 5A, the maximum period of leave which may be granted at one time shall be, in the case of leave on full allowances, five months and in the case of leave with allowances of any kind, sixteen months.

²5-A. Commutation of leave on half allowances into leave on full allowances. :- (1) Notwithstanding anything contained in sub-section (2) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate upto a maximum of three months during the whole period of his service, as a Judge.

(2) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account.

6. Grant of leave not due :- Subject to the maximum limit specified in sub-section (1) of section 5, leave on half allowances may be granted to a Judge in excess of the amount at his credit.

(i) On medical certificate, or

(ii) otherwise than on medical certificate, for not more than six months³ or for two or more periods, not exceeding in the aggregate, six months during the whole period of his service as a Judge:

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted.

7. Specially disability leave :- The rules for the time being in force with respect to the grant of special disability leave in relation to an Officer of the Central Civil Services, Class I who has entered service on or after the 16th July, 1931 and who may be disabled by injury caused in or in consequence of, the due performance

¹ Sub. by Act No. 78 of 1971; Subject to the provisions granted.

² Ins. by Act No. 78 of 1971; after section 5.

³ * Subs. by Act No. 46 of 1958; in section 6, or for two or more periods. six months.

of his official duties or in consequence of his official position. shall apply in relation to a Judge.

8. Extra Ordinary leave :-¹Extraordinary leave may be granted to a Judge for a period not exceeding six months, or for two or more periods, not exceeding in the aggregate, six months during the whole period of his service as a Judge in excess of any leave permissible under the foregoing provisions of this Chapter, but no salary or allowances shall be payable during, or in respect, of, such leave.

²9. Leave allowances :- (1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be ³for the first forty five days of such leave a rate equal to the monthly rate of his salary, ⁴and thereafter in the case of the Chief Justice, fifty-five per cent of the monthly rate of his salary and in the case of each of the other Judges, sixty per cent of the monthly rate of his salary.

⁵Provided that where leave on full allowances is granted to a Judge on medical certificate, the monthly rate of leave allowances shall, for the first one hundred and twenty days of such leave, be a rate equal to the monthly rate of his salary.

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be ⁶in the case of the Chief Justice, twenty-seven and a half per cent, of the monthly rate of his salary and in the case of each of the other Judges, thirty percent, of the monthly rate of his salary.

10. Allowances for Joining time :- There shall be payable to a Judge in respect of joining time on his return from leave out of India an allowance at the rate of one thousand one hundred and ten rupees a month in lieu of salary.

11. Combining leave with vacation :- A Judge may be permitted to combine vacation on full salary with leave, if –

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both.
- (b) where the vacation is divided into two separate periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval, or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation:

Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

12. Consequences of overstaying leave or vacation :- If a Judge overstays his leave or any vacation, whether combined with leave or not. he shall receive no

¹ Subs. by Act No. 46 of 1958; Extraordinary leave. six months.

² [Union of India Vs. Justice S.S. Sandhawalia (Retd.) & Ors. 1994 (2) S.C.C. . 240]

³ Subs. by Act No. 78 of 1971; for the first forty-five days of such leave

⁴ Subs. by Act No. 32 of 1989; and thereafter. salary.

⁵ Added by Act No. 57 of 1980; Provided that. salary.

⁶ Sub. by Act No. 32 of 1989; in the case of the Chief Justice. salary.

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

salary for the period of his absence in excess of leave granted to him or beyond the end of the vacation, as the case may be.

Provided that if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

13. Authority competent to grant leave, etc. :- The authority competent to grant or refuse leave to a Judge or revoke or curtail leave granted to a Judge shall be the Governor of the State in which the principal seat of the High Court is situate, after consultation with the Chief Justice of that High Court.

CHAPTER III

'SALARIES AND PENSIONS

²13A. Salaries of the Judges. :- (1) There shall be paid to the Chief Justice of a High Court, by way of salary, ³[ninety thousand rupees per mensem.]

(2) There shall be paid to a Judge of a High Court, by way of salary, ⁴[eighty thousand rupees per mensem.]

14. Pension payable to Judges:- Subject to the provisions of this Act, every Judge shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part I of the First Schedule:

Provided that no such pension shall be payable to a Judge unless-

(a) he has completed not less than twelve years of service for pension: or

(b) he has attained the age of ⁵ sixty two years, and, in the case of a Judge holding Office on the 5th day of October, 1963, sixty years or;

⁶Provided further that if a Judge at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service in the Union or a State, the pension payable under this Act shall be in lieu of, and not in addition to, that pension.

Explanation:- In this section 'Judge' means a Judge who is not a member of the Indian Civil Service or has not held any other ⁷ pensionable post under the Union or a State and includes a Judge who being a member of the Indian Civil Service or having held any other ⁷ pensionable post under the Union or a State has elected to receive the pension payable under Part -I of the First Schedule.

¹ Sub. by Act No. 18 of 1998; in Chapter III the heading "Salaries and Pensions.

² Ins. by Act No. 18 of 1998; section 13A

³ Sub. by Act No. 23 of 2009. w.e.f 1.1.2006. ninety thousand rupees per mensem.

⁴ Sub. by Act No. 23 of 2009. w.e.f 1.1.2006. eighty. per mensem.

⁵ Sub. by Act No. 27 of 1964; sixty - two years, and, ... sixty years.

⁶ Ins. by Act No. 27 of 1964; Provided further pension.

⁷ Sub. by Act No. 57 of 1980; pensionable post.

15. Special provision for pension in respect of Judges who are members of service:- (1) Every Judge.

- ¹(a) who is a member of the Indian Civil Service shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part II of the First Schedule;
- ²(b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or State, shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part III of the First Schedule;

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the First Schedule or, as the case may be, Part II or Part III of the First schedule, and the pension payable to him shall be calculated accordingly .

³(2). Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the First Schedule before the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President cancel such election and elect a fresh to receive the pension payable to him under Part I of the First Schedule and any such Judge who dies before the date of such assent shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case.

⁴**16. Power of President to add to the service for pension :-** The President of India may for special reasons direct that any period not exceeding three months shall be added to the service for pension of a Judge:

Provided that the period so added shall be disregarded in calculating any additional pension under Part I or Part II or Part III of the First Schedule.

17. Extra-ordinary pensions :- The rules for the time being in force with respect to the grant of extraordinary pensions and gratuities in relation to an Officer of the Central Civil Services, Class -I who has entered service on or after the 1st April, 1937 and who may suffer injury or die as a result of violence, shall apply in relation to a Judge, subject, however, to the modification that reference in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions, shall be construed as references to the tables in the Second Schedule.

¹ Ins. by Act No. 35 of 1976; section 15 renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered.

² [M.L.Jain Vs. Union of India] 1988 (4) S.C.C.121.

³ Ins. by Act No. 35 of 1976; Notwithstanding. in his case.

⁴ [Justice P. Venugopal Vs. Union of India & Ors.] 2003 (7) S.C.C. , 726.

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

¹**17-A. Family pensions and gratuities :-** (1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, dies, whether before or after retirement in circumstances to which section 17 does not apply, family pension calculated at the rate of ²fifty per cent of his Salary ³[* * *] on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, ⁴and thereafter at the rate of the thirty per cent of his salary [***].

⁵“Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act. ”

*Explanation :-*For the purposes of determining the person or persons entitled to family pension under this sub-section,-

- (i) in relation to a Judge who elects or is eligible to receive pension under Part I of the First Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an Officer of the Central Civil Services, Group 'A' shall apply;
- (ii) in relation to a Judge who elects to receive pension under Part II or Part III of the First Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a judge being treated as service therein.

(2). Where any Judge, who has elected to receive the pension payable to him under Part II or Part III of the First Schedule, retired, or dies in circumstances to which section 17 does not apply, gratuity, if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that gratuity;

(3). The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an Officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge, who, being in service on or after the 1st day of October 1974, retires or dies in circumstances to which section 17 does not apply, subject to the modifications that --

¹ Section 17-A inserted by Act No. 50 of 1961. Sec.17-A renumbered as sub-sec. (1) thereof & sub-sec. (2) and (3) ins. by Act No. 35 of 1976, sub-sec. (1) and (2) again subs. by Act No. 38 of 1986.

² Sub. by Act No. 7 of 2003; fifty per cent. . . . (w.e.f.01.01.1996)

³ omitted by Act No. 23 of 2009, w.e.f 1.1.2006

⁴ Sub. by Act No. 7 of 2003; and thereafter. . . salary (w.e. f.01.01.1996)

⁵ Ins. by Act No. 7 of 2003; “Provided. . . this Act” (w.e.f.01.01.1996)

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months.

(ii) the amount of gratuity shall be calculated on the basis of 'ten days' salary for² each completed six months period of service as a Judge.

(iii)+(.....)

Explanation :- In sub-section 3³, the expression 'Judge' has the same meaning as in section 14,

⁴17-B. Additional quantum of pension or family pension :- Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale :-

Age of Pensioner or Family Pensioner	:	Additional quantum of pension or family pension.
From eighty years to less than eighty-five years	:	Twenty per cent. of basic pension or family pension.
From eighty-five years to less than ninety years	:	Thirty per cent. of basic pension or family pension.
From ninety years to less than ninety-five years	:	Forty per cent. of basic pension or family pension.
From ninety-five years to less than hundred years	:	Fifty per cent. of basic pension or family pension.
From hundred years or more.	:	Hundred per cent. of basic pension or family pension.

⁵18. Conversion of sterling pension into rupees :- Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf. +.

⁶(.....)

19. Commutation of pensions :- The Civil Pensions (Commutation) Rules, for the time being in force shall with necessary modifications, apply to Judges.

20. Provident Fund :- Every Judge shall be entitled to subscribe to the General Provident Fund (Central Service):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to

¹ Sub. by Act No. 7 of 1999; ten days

² Sub. by Act No. 7 of 1999; each completed six months period.

³ Subs. by Act No. 38 of 1986; 3.

⁴ Inserted by Act No. 23 of 2009, w.e.f 1.1.2006.

⁵ [R.L.Narasimhan Vs. Union of India & Anr.] 1972 (2) S.C.C. 763

⁶ Omitted by Act No. 46 of 1958; proviso in section 18.

subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge.

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement.

¹20-A. Deposit Linked Insurance Scheme :- The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.

21. Authority competent to grant pension :- Save as may be otherwise expressly provided in the relevant rules, relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Act shall be the President of India.

CHAPTER IV

MISCELLANEOUS

22. Travelling allowances to a Judge :- Every Judge shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the Territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time be prescribed.

22-A. Facility of rent free house :- ²(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be made in this behalf.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of ³equivalent to an amount of thirty per cent of the salary ⁴[plus thirty per cent of the dearness pay].

22-B. Conveyance facilities :- Every Judge shall be entitled to a staff car and ⁵two hundred litres of fuel every month or the actual consumption of fuel per month, whichever is less.

⁶22-C. Sumptuary allowance :- The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively.

¹ Ins. by Act No. 38 of 1986; after section 20.

² Ins. by Act No. 35 of 1976; after section 22, new section 22-A, 22-B and 22-C.

³ Subs. by Act No. 46 of 2005; equivalent to an amount. . .

⁴ Omitted by Act No. 23 of 2009, w.e.f 1.9.2008

⁵ Subs. by Act No. 20 of 1996. two hundred. litres. . .

⁶ Sub. by Act No. 23 of 2009, w.e.f 1.9.2008.

¹22-D. Exemption from liability to pay income-tax on certain perquisites received by a Judge :- Notwithstanding anything contained in the Income- Tax Act, 1961,-

- (a) the value of rent -free official residence provided to a Judge under sub-section (1) of section 22A or the allowance paid to him under sub-section (2) of the section;
- (b) the value of the conveyance facilities provided to a Judge under section 22B;
- (c) the sumptuary allowance provided to a Judge under section 22C, shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act, 1961
- ²(d) the value of leave travel concession provided to a Judge and members of his family.

23. Facilities for medical treatment and other conditions of service :-

(1) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(2) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

(3) This section shall be deemed to have come into force on the 26th January, 1950 and any rule made under this section may be made so as to retrospective to any date not earlier than the commencement of this section.

³23-A. Vacation of High Court :- (1) Every High Court shall have a vacation or vacations for such period or periods as may, from time to time, be fixed by the President, by order notified in this behalf in the Official Gazette, and every such order shall have effect notwithstanding anything contained in any other law, rule or order regulating the vacation of the High Court.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

23-B. Special Provisions in respect of continuing Judges :- (1) In the calculation of the service for pension of a continuing Judge for the purposes of this Act, his previous service for pension as a Chief Justice or as a Judge of a former High Court in a Part B State, under the provisions of the High Court Judges (Part-B States) Order, 1953, or any other order or rule then applicable to him, shall be reckoned as service for pension as a Chief Justice or, as the case may be, as a Judge under this Act.

(2) In the calculation of the amount or leave at the credit of a continuing Judge for the purposes of this Act, the amount of leave due to him immediately before the 1st day of November, 1956, under the provisions of the High Court Judges (Part-

¹ Sub. by Act No. 20 of 1988; section 22-D.

² Ins. by Act No. 2 of 1994; section 22-D after clause (c).

³ Sub. by Act No. 46 of 1958; Section 23-A and 23-B,

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B States) Order, 1953, or any other order or rule then applicable to him, shall be added to the amount of leave at his credit under this Act.

(3) In this section 'continuing Judge' means a Judge of a former High Court in a Part-B State who on the 1st day of November, 1956 or on any date subsequent thereto has become or been appointed as a Judge of a High Court for a State.

¹23-C. Special Provisions in respect of Judges transferred from the High Court of Jammu & Kashmir :- (1) In the calculation of service for pension of a Judge of the High Court of Jammu and Kashmir transferred to any other High Court, his service for pension as a Judge of the High Court of Jammu and Kashmir shall also be reckoned as service for pension under this Act.

(2) In the calculation of the amount of leave at the credit of a Judge of the High Court of Jammu and Kashmir transferred to any other High Court, the amount of leave due to him as a Judge of the High Court of Jammu and Kashmir shall be added to the amount of leave at his credit under this Act.

²23-D. Medical facilities for retired Judges :- (1) Every retired Judge shall, with effect from the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired Officer of the Central Civil Services, Class I, and his family, are entitled under any rules and orders of the Central Government for the time being in force.

(2) Notwithstanding anything in sub-section (1) but subject to such conditions and restrictions as the Central Government may impose a retired Judge of the High Court for a State may avail, for himself and his family, any facilities for medical treatment which the Government of that State may extend him.

24. Power to make rules :- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) Leave of absence of a Judge;
- (b) Pension payable to a Judge;
- (c) Travelling allowances to a Judge;
- ³(ca) use of official residence by a Judge under sub-section (1) of section 22A ;
- (d) Facilities for medical treatment and other conditions of service of a Judge;
- (e) Any other matter which has to be, or may be prescribed.

¹ Ins. by Act No. 27 of 1964; after section 23-B.

² Ins. by Act No. 35 of 1976; after section 23-C.

³ Ins. by Act No. 35 of 1976; in section 24, in sub-section (2), after clause (c).

¹(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following, the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

²**25. Savings :-** (1) Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his allowances or his rights in respect of leave of absence (including leave allowances) or pension than those to which he would be entitled if this Act had not been passed.

³(2) Nothing contained in this Act, as amended by the High Court Judges (Conditions of Service) Amendment Act, 1958 shall have effect so as to give to a Chief Justice or a Judge of a former High Court in a Part B State less favourable terms in respect of his allowances or his rights in respect of leave of absence (including the leave allowances) or pension than those to which he would be entitled under the High Court Judges (Part B States) Order, 1953, or any other order or rule then applicable to him, if he had continued as a Judge of that High Court, his service as a Judge on or after the 1st day of November, 1956, being treated as service in that High Court.)

THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART I

(1) The provisions of this part apply to a Judge who is not a member of the Indian Civil Service or has not held any other ⁴pensionable post under the Union or a State and also apply to a Judge who, being a member of the Indian Civil Service or having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.

⁵(2) Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be-

(a) for service as Chief Justice in any High Court, ⁶Rs. 43,890/- per annum for each completed year of service;

¹ Ins. by Act No. 35 of 1976; Every rule. that rule.

² Ins. by Act No. 46 of 1958; section 25 re- numbered as sub-section (1) thereof and after sub-section (1) as so re numbered sub-section (2)

³ Sub section (2) of S.25 Ins. by Act 46 of 1958.

⁴ Subs. by Act No. 57 of 1980, pensionable post.

⁵ Subs. by Act No. 20 of 1988, In the First Schedule in Part I in Para. 2; Subject to

⁶ Subs. by Act No.23 of 2009. , w.e.f. 1.1.2006.

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(b) for service as any other Judge in any High Court, ¹Rs.34,350/- per annum for each completed year of service .

(c) Provided that the pension shall in no case exceed ²Rs.5,40,000/- per annum in the case of a Chief Justice and ³Rs.4,80,000/- per annum in the case of any other Judge.

⁴(3) + Omitted

⁷(4) + Omitted

⁷(5) + Omitted

⁵(6) A Judge who has rendered service for pension both as Chief Justice and other Judge in any High Court may claim that any period of service of less than a completed year rendered by him as Chief Justice, or any portion of any such period, shall be treated for the purposes of paragraph 2 as service rendered by him as other Judge.

(7) For the purposes of this Part, service as an acting Chief Justice of a High Court or as an ad hoc Judge of the Supreme Court, shall be treated as though it were service rendered as Chief Justice of a High Court.

(8) Notwithstanding anything contained in the foregoing provisions of this part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High courts, shall be ⁶Rs. 5,40,000/- per annum.

(9) Where a Judge to whom this part applies retires or has retired at any time after the 26th January, 1950 without being eligible for a pension under any other provision of this part, then, notwithstanding anything contained in the foregoing provisions, a pension of ⁷Rs.1,57,670/- per annum shall be payable to such a Judge:

⁸Provided that nothing in this paragraph shall apply-

(a) to an additional Judge or acting Judge; or

(b) to a Judge who at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous under the Union or a State.

⁹(10) + Omitted.

³(11) + Omitted.

¹ Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

² Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

³ Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

⁴ Para. 3 to 5 omitted by Act No. 38 of 1986; and by Act No. 20 of 1988 (w.e.f.01.11.1986).

⁵ Subs. by Act 20 of 1988; in para. 6, A Judge who other Judge.

⁶ Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

⁷ Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

⁸ Added by Act No. 46 of 1958; in the first schedule, in part I to para 9.

⁹ Omitted by Act No. 20 of 1988; para. 10 and 11.

PART II

1. The provisions of this part apply to a Judge who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be –

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) the additional pension, if any, to which he is entitled under paragraph 3.

¹Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed ²Rs. 5,40,000/- per annum in the case of a Chief Justice and ²Rs. 4,80,000/- per annum in the case of any other Judge.

³3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale: –

	Per annum Rs.
For seven completed years of service for pension	⁴ Rs. 34,696/-
For eight completed years of service for pension	³ Rs. 41,642/-
For nine completed years of service for pension	³ Rs. 48,559/-
For ten completed years of service for pension	³ Rs. 55,508/-
For eleven completed years of service for pension	³ Rs. 62,462/-
For twelve or more completed years of service for pension	³ Rs. 69,402/-

⁵4. Omitted.

PART III

1. The provisions of this part apply to a Judge who has held any ⁶pensionable post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be –

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension and

¹ Added by Act No. 20 of 1988; in part II to para. 2; Provided that.

² Subs. by Act No. 23 of 2009, w.e.f. 1.1.2006.

³ Subs. by Act No. 46 of 1958; in Part II for para. 3; If such a Judge.

⁴ Subs. by Act No. 23 of 2009, w.e.f. 1.1.2006.

⁵ Omitted by Act 20 of 1988.

⁶ Subs. by Act No. 57 of 1980; pensionable post.

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(b) a special additional pension of ¹Rs.16,020/- per annum in respect of each completed year of service for pension ²(. . .)

³Provided that the pension under clause (a) and the additional pension under clause (b) together shall not exceed ⁴Rs.5,40,000/- per annum and the case of a Chief Justice and ⁶Rs.4,80,000/- per annum in the case of any other Judge.

⁵3. Omitted.

¹⁰4. Omitted

THE SECOND SCHEDULE

(See section 17)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity	Annual Higher Scale Rs.	Pension Lower Scale Rs.
1. Chief Justice	Rs. 20,000/-	Rs.5,400/-	Rs. 4,700/-
2. Any Other Judge	Rs. 13,500/-	Rs. 4,700/-	Rs. 4,000/-

FAMILY GRATUITIES AND PENSIONS

A. Widow

Officer	Gratuity Rs. .	Annual Pension Rs.
1. Chief Justice	Rs. 15,000/-	Rs.5,000/-
2. Any Other Judge	Rs. 13,500/-	Rs.4,000/-

B. Children

Officer	Annual If motherless Rs	Pension If not motherless Rs.
1. Chief Justice	550/-	320/-
2. Any Other Judge	550/-	320/-

¹ Subs. by Act No. 23 of 2009. -, w.e.f. 1.1.2006.

² Omitted by Act No. 7 of 1999.

³ Ins. by Act No. 20 of 1988; after clause (b); Provided that. . . .

⁴ Subs. by Act No. 23 of 2009. -, w.e.f. 1.1.2006.

⁵ Omitted by Act 20 of 1988. Para. 3 and 4.

GOVERNMENT OF INDIA'S DECISIONS

(1) On a question having been raised whether there is any time limit prescribed for the exercise of option under the proviso to Section 15 of the High Court Judges (Conditions of Service) Act, 1954, the Government of India have stated that no time limit has so far been prescribed and that they however, feel that the option should be exercised by the Judge before the date of retirement.

It would not be permissible for a High Court Judge to revise his decision after he has once made it under the proviso stated above. The papers relating to his election should be kept with the Accounts Officer, i.e., the Accountant-General of the State.

(Government of India, Ministry of Home Affairs. Letter No. 11/53/54- Judicial, dated, 8th August 1955, addressed to all State Governments dated G.I.M.H.A. Letter No. 11/53/54- Judicial, dated 6th April 1956).

(2) The Government of India have, in consultation with the Comptroller and Auditor-General of India, prepared a form of application for settling the pension and/or gratuity claims of Judges of High Courts. (vide form appended to) Instructions for preparing the pension papers are set out on the top of the application form.

The Registrar of the High Court should prepare the pension papers and forward his report in the prescribed form to the Accountant-General six months in advance of the date on which the Judge is due to retire. The Accountant-General will verify the claim and forward his report to the Secretary to the Government of India in the Ministry of Home Affairs at least one month before the date of his retirement. The Accountant-General should send to the State Government and the Registrar of the High Court a copy of his letter addressed to the Government of India. Even if the provisional information so furnished does not involve any revision of the report, the Accountant-General will, as soon as the Judge retires, send to the Secretary to the Government of India in the Ministry of Home Affairs his final report as to the amount of pension and/or gratuity admissible to the Judge. It is only on receipt of this final report that the sanction of the President will be obtained and communicated by the Home Ministry to the State Government with a copy to the Accountant-General of the State concerned. The State Government should inform the Judge and the High Court.

(3) the words "the pension to which he is entitled under the ordinary rules of his service" in paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, refer to the quantum of pension and not to the age of superannuation or other conditions of service in regard to pensions. Since the pension has to be calculated on the basis of the emolument which he would have received in "his service" until his actual retirement as a Judge.

**THE HIGH COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) ACT, 1954**

(G.I.M.H.A., Lr.No. D. 2463/60 Judl. I, dated 23rd July 1960 addressed to the Accountant-General, Madras)

(4) While calculating the pension admissible to a Judge with reference to paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, the entire service up to his retirement as a Judge and emoluments which he would have drawn in his service until his retirement as a Judge should be taken in account. To calculate the pension on the basis of emoluments which he draw or would have drawn till the age of 55 only would amount to not giving effect or full effect to the direction to treat his service as a Judge as service to which the Judge belonged prior to his appointment as Judge of the High Court.

(5) It is not considered necessary to introduce the procedure prescribed in the G.I., M.F., (Department of Expenditure) O.M. No. 25 (31) EV/70, dated 29th July 1960 regarding submission of pensioners photographs in the case of High Court Judges.

G.I.M.H.A., Lr.No.16/4/61 Judl. I, dated 17th February 1961.)

FORMS.**INSTRUCTIONS.**

1. This application form for pension should be submitted six months in advance of the date on which the Judge is due to retire. It will be forwarded by the Registrar of the High Court to the Accountant-General/ Comptroller of the State, who after necessary scrutiny will forward his report in a separate letter at least one month before the date of retirement to the Secretary to the Government of India, in the Ministry of Home Affairs, with a copy to State Government and Registrar of the High Court concerned.

2. If after the pension report was made by the Audit Officer any event occurs which necessitates the recalculation of the amount of pension, the Registrar of the High Court should promptly report the fact to the Audit Officers, if no such event has occurred the fact shall nevertheless be reported to the Audit Officer within a week from the date on which the Judge retires.

3. Even if the information so furnished does not involve any revision of the report, a final report must be sent by the Audit Officer to the Secretary to the Government of India, in the Ministry of Home Affairs, before the pension is sanctioned.

**THE HIGH COURT JUDGES (SALARIES AND
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APPENDICES

**APPLICATION FOR PENSION AND/OR GRATUITY IN RESPECT OF A
JUDGE OF A HIGH COURT.**

1. Name of Judge (Block Letters) :
2. Father's Name :
3. (a) Residence, showing village and District / Taluks :
(b) Present Address :
4. Date of Birth (of Judge by Christian Era) :
5. Name of High Court from which the Judge retires :
6. Details of Service under any State of or Union Government :
7. Details and period of service qualifying for pension :
(a) Period of service in other pensionable posts under Union or State Government. : Y M D
(b) Period of service as High Court Judge : Y M D
8. Provision under which pension/gratuity is being claimed :
9. Particulars of pension rules elected under the provisio to Section 15 of the High Court Judges (Conditions of Services) Act, 1954 :
10. Proposed Pension * :
11. Proposed Gratuity * :
12. Date from which pension is to Commence :
13. Place of payment (Government Treasury or Sub-Treasury)
14. Three specimen signatures on a separate sheet
15. Signature of Judge

Dated:

Signature of Registrar.

Name of the High Court.

**THE HIGH COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) ACT, 1954**

(3) the words "the pension to which he is entitled under the ordinary rules of his service" in paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, refer to the quantum of pension and not to the age of superannuation or other conditions of service in regard to pensions. Since the pension has to be calculated on the basis of the emolument which he would have received in "his service" until his actual retirement as a Judge.

(G.I.M.H.A., Lt.No. D. 2463/60 Judl. I, dated 23rd July 1960
addressed to the Accountant-General, Madras)

(4) While calculating the pension admissible to a Judge with reference to paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, the entire service up to his retirement as a Judge and emoluments which he would have drawn in his service until his retirement as a Judge should be taken in account. To calculate the pension on the basis of emoluments which he draw or would have drawn till the age of 55 only would amount to not giving effect or full effect to the direction to treat his service as a Judge as service to which the Judge belonged prior to his appointment as Judge of the High Court.

(5) It is not considered necessary to introduce the procedure prescribed in the G.I., M.F., (Department of Expenditure) O.M. No. 25 (31) EV/70, dated 29th July 1960 regarding submission of pensioners photographs in the case of High Court Judges.

G.I.M.H.A., Lt.No.16/4/61 Judl. I, dated 17th February 1961.)



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