

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 a 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'].

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 '***' 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.

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 adapted 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 the 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 assigns 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.....(Rupeesonly) per month) from the Government.

AND WHEREAS the said (c)died on theday of19and there was due to him at the time of his death the sum of Rs.....(Rupeesonly) 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 a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (c)before the said sum can 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 bond 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 indemnify 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 of 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, tembero-maxiliary or rigidity of the dorsi. lumber 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) - Grade I Grade II	Moulder - Grade I Grade II
Welder (Electrical) Grade I	Blacksmith- 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.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) 199 RULES, 1944

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.

THE TAMIL NADU CIVIL PENSIONS (COMMUTATION) RULES, 1944

(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 apply 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 date 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
RULES, 1944**

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 (194-96) 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.***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 theto 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 _____ 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.

**THE TAMIL NADU COMPASSIONATE GRATUITIES . 229
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.

**238 THE TAMIL NADU COMPASSIONATE GRATUITIES
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.

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).

**240 THE TAMIL NADU COMPASSIONATE GRATUITIES
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)

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).

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

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).

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

(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.

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

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.

(b) 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 dt 21.4.77)

² Substituted vide DP&AR Notification No. 25011/9/83-AIS(II) dt 14.9.83 (GSR No. 712 dt 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)

**THE ALL INDIA SERVICES (DEATH-CUM-
RETIREMENT BENEFITS) RULES 1958.**

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

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

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 invalidated 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 invalidated 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).

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

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 dt 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)

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

- (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

**THE ALL INDIA SERVICES (DEATH-CUM-
RETIREMENT BENEFITS) RULES 1958.**

- (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 { }

²**19A. 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.

⁴**19-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)

THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.

- (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.

**THE ALL INDIA SERVICES (DEATH-CUM-
RETIREMENT BENEFITS) RULES 1958.**

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

**THE ALL INDIA SERVICES (DEATH-CUM-
RETIREMENT BENEFITS) RULES 1958.**

(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