

## 67. THE CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES, 1939

1. **Short title.**—These rules may be called the Central Civil Services (Extraordinary Pension) Rules, 1939.

2. **Applicability.**—<sup>1</sup>[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 (subject to Para 6 of Schedule II), whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the President of India :

Provided that, nothing contained in these rules shall apply to the Government servants appointed on or after the 1st day of January, 2004.

*Note.*—No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under UN bodies on or after the 1st January, 1958 and who is allowed to join the UN Joint Staff Pension Fund as an 'Associate Member'];

3. **Definitions.**—For the purpose of these rules unless these 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 the President may fix ; and
- (ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the President with due regard to the opinion of the Medical Board;

(3) "*injury*" means,—

- (i) an injury as is mentioned in Schedule I hereto annexed Permanent Total Disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II of that Schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to cent percent

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1. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).

or more. Every injury specified in Part II of Schedule I shall be made to result in Permanent Partial Disablement.

- (4) "disease" means,—

a disease as is mentioned in Schedule I-A hereto annexed.

- (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 rates, pay means the average earnings of the last six months ending with the date of his death or injury.

- (6) Deleted.

- (7) Deleted.

- (8) "Violence" means,—

the act of 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 order or prevent him from performing his duties, or
- (ii) because of anything done or attempt 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.

#### NOTE

**Claim of disability pension.**—Under Rule 3(1)(i) of the Central Civil Services (Extra Ordinary Pension) Rules, 1978 employee who met with accident during course of employment alone is entitled for disability pension. Since, the petitioner claiming for pension was not on duty at time of accident, hence the petitioner was not entitled for disability pension. [*B.N. Rangaswamy v. Deputy Inspector General of Police (Admn.)*, Directorate General, New Delhi, AIROnline 2019 Kar 1478].

**3-A. Disablement/Death.**—(1) (a) Disablement shall be accepted as due to Government service provided that it is certified that it is due to wound, injury or disease which,—

- (i) is attributable to Government service, or
- (ii) existed before or arose during Government service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to Government service provided it is certified that it was due to or hastened by,—

- (i) a wound, injury or disease which was attributable to Government service, or
- (ii) the aggravation by Government service of a wound, injury or disease which existed before or arose during Government service.



(2) There shall be a casual connection between,—

- (a) disablement and Government service, and
- (b) death and Government service;

for attributability or aggravation to be conceded. Guidelines in this regard are given in the Appendix which shall be treated as part and parcel of these Rules.

#### NOTE

*Ex gratia* for death due to terrorist activities is Rs. 5 Lacs. [*Usha Rani v. Delhi Tourism and Transportation*, 2006 (1) SLJ 499 (Del)].

**G.I., M.H.A., (Dept. of Personnel & A.R.), O.M. No. F. 23 (9)-EV (A)/79, dated the 28th November, 1980.—Clarification.**—It will be seen from the new (revised) Forms "C", "D" and "E" that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in new Rule 3-A have been satisfied or not, and, therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for the Administrative Officer as well as the Audit Officer (PAO) concerned to satisfy themselves that the death/disablement is, in fact, attributable to or aggravated by the Government service which alone makes in E.O.P. Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and causal connection between disablement and Government service or between death and Government service (as the case may be), in any particular case, as laid down in the new Rule 3-A on the basis of the medical and other documents regarding the case. If a Government servant had died in such circumstances and that a medical report could not be secured, even then, the nexus and the causal connection between death and Government service has to be established before conceding acceptance of death due to Government service.

(3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a Government servant may be taken into consideration in making an award under these rules in favour of such Government servant, but, shall not be taken into account where such award is made in favour of the family of such Government servant.

**4. Sanction for grant of award.**—<sup>1</sup>[The Ministries/Departments and offices shall have the powers to grant disability or family pension covered under these rules and they shall exercise these powers, wherever necessary, in consultation with the Financial Advisers, but the cases which are not covered strictly in terms of the Government guidelines and instructions, reference shall be made to the Department of Pension and Pensioners' Welfare.]

**5. Effect of award of other pension.**—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

1. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



fixing the pay of pensioner in his continued employment or re-employment in Government service.

**6. Cases where no award to be made.**—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.

<sup>1</sup>[7. \*\*\*]

**8. Percentage of disability.**—(1) The percentage of disability due to an injury or injuries shall be as specified in Schedule I hereto annexed, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in Schedule I-A, hereto annexed, shall be as certified by the Medical Authority.

<sup>2</sup>[(3) The extent of disability or functional incapacity shall be determined in the following manner for purposes of computing the disability element forming part of benefits—

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element
Up to 50	50
More than 50 and up to 75	75
More than 75 and up to 100	100

Provided that, the above broadbanding shall not be applicable to Government servants who are retained in service.

*Note 1.*—The findings of the Medical Board on the extent of disability may be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the Board. In case the appeal is accepted and a review Medical Board is constituted, the findings of the Board shall be binding on all parties.

The extent of disability as determined and accepted shall be treated as final and the employee shall not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

*Note 2.*—A Government servant may appeal against the decision of the Medical Board which examined him for the purpose of this rule—

1. Rule 7 omitted by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).
2. Ins. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



- (i) The findings of the examining Medical Board shall be made known to the Government servant concerned as soon as possible after the receipt of the medical report by the Head of the Office or Department. The Government servant concerned shall, if he desires to appeal against such decision, do so together with requisite evidence in support of his case within one month from the date on which the finding of the Medical Board were made known to him. Ordinarily there is no right of appeal from the findings of an examining medical authority; but if Government is satisfied on the evidence placed before them by the Government servant concerned, of the possibility of an error of judgment in the decision of the examining medical authority, it shall be open to them to allow re-examination by a second Medical Board.
- (ii) if any medical certificate is produced by the Government servant as a piece of evidence about the possibility of an error of judgment in the decision of an examining medical authority who had examined him in the first instance, the certificates shall not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already been examined by a Medical Board who have given their opinion as to the injury or disease in respect of which the Government servant had applied for benefits under extraordinary circumstances.
- (iii) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if his appeal is upheld by the Review Board.
- (iv) To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Health who shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted.]

#### NOTE

**Disability pension.**—It is to be presumed that disease had occurred on account of stress and strain of army service and the same is attributable to military service. Therefore, the petitioner is held entitled to, disability pension is to be assessed by the respondent under Central Civil Services (Extraordinary Pension) Rules as per the assessment made by the Medical Board. [*Indu Bhushan Bali v. Union of India*, 2008 (2) SLJ 241 (JK)].

**9. Disablement due to Government service.**—<sup>1</sup>[(1) When disablement of a Government service is conceded as due to Government service in terms of Rule 3-A, he shall be awarded disability pension in terms of sub-rule (2) or lump sum compensation in terms of sub-rule (3) of this rule in accordance with

1. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in Schedule II hereto annexed and the quantum of disability pension for lower percentage of disability shall be, "proportionately lower" in accordance with the provision provided in Rule 8.

(3) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provisions of sub-rule (2) of this rule, by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time :

Provided that, the broadbanding as provided in the sub-rule (3) of Rule 8 shall not be applicable in such cases.]

<sup>1</sup>[9-A. The pensioners who are drawing disability pension under the provisions of Rule 9 for 100% disability and are completely dependent on others for day to day activities, shall also be granted in addition to disability pension, the Constant Attendant Allowance in accordance with the instructions issued from time to time.]

**10. Death due to Government service.**—When death of Government servant is conceded as due to Government service in terms of Rule 3-A, his widow and children shall be awarded pensionary benefits in accordance with <sup>2</sup>[Schedule II] hereto annexed.

**Note.**—If a Government servant dies leaving behind two or more widows, the pension admissible under this rule to the widow shall be divided equally among all the widows.

<sup>3</sup>[11. (1) If the deceased Government servant has left neither a widow nor a child, an award shall be made to parent or parents and in the absence of the parent or parents to minor brothers and sisters in accordance with Schedule II hereto annexed if they were largely dependent on the Government servant for support and are in pecuniary need :

Provided that, the amount of the award to minor brothers and sisters shall not exceed one half of the pension that would have been admissible to the widow under Rule 10.

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

**Note.**—If any of the widows, children, father or mother, minor brothers or sisters is denied any share in the property of the Government servant under

1. Ins. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).
2. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).
3. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



a Will or deed made by him, such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.]

**12. Family pension.**—(1) A family pension will take effect from the day following the death of the Government servant or from such other date as the President may decide.

<sup>1</sup>(2) A family pension shall ordinarily be tenable—

- (i) in the case of a widow or mother until death or re-marriage, whichever occurs earlier;
- (ii) in the case of minor son or minor brother until he attains the age of twenty-five;
- (iii) in the case of daughter during the period she is eligible for family pension under Central Civil Services (Pension) Rules, 1972;
- (iv) in the case of sister until marriage or until she attains the age of twenty-five years whichever occurs earlier;
- (v) in the case of a father, life.]

**12-A. Re-marriage by widow.**—Notwithstanding anything contained in clause of sub-rule (3) 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 dependants of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

**13. Procedure.**—<sup>2</sup>[(1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules and also, if eligibility concerning pension is not covered under these rules but covered under Central Civil Services (Pension) Rules, 1972 the Central Civil Services (Pension) Rules, 1972 shall be applicable, provided it is not repugnant to or inconsistent with the provisions of these rules.]

<sup>3</sup>[\*\*\*]

(4) When a claim for any disability pension or family pension arises, the Head of the Office or the Department in which the injury or the deceased Government servant was employed will forward the claim through the usual channel to the <sup>4</sup>[sanctioning authority] with the following document :

- (i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.
- (ii) The application for disability pension in Form 'A' or as the case may be, the application for family pension in Form 'B' of the Format set forth in Schedule IV.

1. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).

2. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).

3. Sub-rules (2) and (3) omitted by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).

4. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



- (iii) In the case of an injury of 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.
- (iv) A report of the Accounts Officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(5) 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 disability or other extraordinary pension has been received by them, of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter, pension shall be granted to the officer in accordance with the decision of the second Medical Board.

## <sup>1</sup>[SCHEDULE II

For determining the compensation payable for death or disability under different circumstances, the cases are categorized in five distinct categories as under :

**Category 'A'**—Death or disability due to natural causes not attributable to Government service. Examples would be chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty, etc.

**Category 'B'**—Death or disability due to causes which are accepted as attributable to or aggravated by Government service. Diseases contracted because of continued exposure to a hostile work environment, subjected to extreme weather conditions or occupational hazards resulting in death or disability would be examples.

**Category 'C'**—Death or disability due to accident in the performance of duties. Some examples are accidents while travelling on duty in Government vehicles or public transport, a journey on duty is performed by service aircraft, mishaps at sea, electrocution while on duty etc.

**Category 'D'**—Death or disability, attributable to acts of violence by terrorists, anti-social elements etc. whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel etc., bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc., would be covered under this category.

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1. Subs. by Noti. No. S.O. 410(E), dated 15.2.2011 (w.e.f. 22.2.2011).



**Category 'E'**—Death or disability arising as a result of (a) attack by or during action against extremists, anti-social elements, etc... and (b) enemy action in international war or border skirmishes and warlike situations, including cases which are attributable to (i) extremists acts, exploding mines, etc..., while on way to an operational area (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition. Cases covered under the Category (A) are covered under provisions of Central Civil Services (Pension) Rules, 1972.

In cases covered under Categories (B), (C), (D) and (E), the scales of the family pension or disability pension shall be as under—

**1. Family Pension.**—for Categories 'B' and 'C'

(1) Distinction between widows without children or those with children, for determination of the quantum of extraordinary family pension stand abolished. The quantum of monthly extraordinary family pension for all categories of widows shall be—

- (a) where the deceased Government servant was not holding a pensionable post : 40% of basic pay subject to a minimum of Rs. 4,550.
- (b) where the deceased Government servant was holding a pensionable post : 60% of basic pay subject to a minimum of Rs. 7,000.

(2) In case where the widow dies or re-marries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless or motherless children and in the both cases, the family pension shall be paid to children for the period during which they would have been eligible for family pension under the Central Civil Services (Pension) Rules, 1972 and the dependent parents shall be paid family pension at one-half the rate applicable to widows or fatherless or motherless children.

**2. Family Pension for Categories 'D' and 'E'.**—(1) If the Government servant is survived by the widow, she shall be entitled to family pension equal to the pay last drawn by the deceased Government servant and the said family pension shall be admissible to her for life or until her re-marriage.

(2) In the event of re-marriage of the widow, family pension shall be allowed at the rate of family pension and subject to the conditions laid down under the Central Civil Service (Pension) Rules, 1972 from the date following the date of her re-marriage.

(3) In the event of re-marriage of the widow and if the Government servant is not survived by widow but is survived by child or children only, all children together shall be eligible for family pension at the rate of 60% of basic pay, subject to a minimum of Rs. 7,000. The family pension shall be payable to the Children from the period during which they would have been eligible for family pension under the Central Civil Services (Pension) Rules, 1972.

(4) When the Government servant dies as a bachelor or as a widower without children, dependent pension shall be admissible to the parents without reference to pecuniary circumstances, at the rate of 75% of pay last



drawn by the deceased Government servant for both parents and at the rate of 60% of pay last drawn by the deceased Government servant for a single parent and on the death of one parent dependent pension at the latter rate shall be admissible to the surviving parent.

(5) Where family pension or dependant pension is allowed under these rules, no other family pension or dependant pension shall be admissible under any other orders or rules in consideration of death of the same deceased Government servant.

**3. Disability Pension for Categories 'B' and 'C'.—**(1) Normal pension @ 50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity admissible under the Central Civil Services (Pension) Rules, 1972, plus disability pension equal to 30% of basic pay, for 100% disability. There shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due. No service gratuity shall be admissible.

(2) For lower percentage of disability, the monthly disability pension shall be proportionately lower subject to the provisions of Rule 8 and subject to a minimum of Rs. 7000.

**4. Disability Pension for Category 'D'.—**(1) Disability pension comprising a service element equal to the pension @ 50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in the normal course and disability element equal in amount to normal family pension and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall proportionately lower subject to Rule 8.

**5. Disability Pension for Category 'E'.—**(1) Disability pension comprising a service element equal to the pension @ 50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn in case of 100% disability. There shall be no upper limit of the 'pay last drawn', i.e. the aggregate of the service and disability elements of pension may exceed the 'pay last drawn' and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall be proportionately lower subject to Rule 8.

**6. Additional benefits under the Workmen's Compensation Act, 1923 for Categories 'D' and 'E'.—**The Government servants governed by the provisions of the Workmen's Compensation Act, 1923 (VIII of 1923), shall also



be eligible for the awards under this rule. Where the benefit admissible under this rule is more than the benefits admissible under the Workmen's Compensation Act, 1923 (VIII of 1923), the compensation admissible under the said Workmen's Compensation Act, 1923, shall not be separately payable. However, if the sum admissible under this rule is less than the amount payable as compensation under (1) the Personal Injuries (Emergency Provision) Act, 1962 (59 of 1962), as amended by the Personal Injuries (Emergency Provision) Amendment Act, 1971 (74 of 1971), and (ii) the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), as amended by the Personal Injuries (Compensation Insurance) Amendment Act, 1971 (75 of 1971), they shall have a right to receive an amount equal to the difference between the sum admissible under this rule and the amount of compensation payable under the said Acts. For the purpose of determining such difference, the latter amount shall be converted, if necessary, into a recurring monthly payment as in the following illustration, by applying the table given below :—

*Illustration.*—Suppose the lump sum amount is Rs. 2437 and the age last birthday of the beneficiary is 43 years. The factor given in Column (2) against age 43 of the table enclosed is 0.00652957. The equated monthly instalment will be equal to  $2437 \times 0.00652957$ , i.e., Rs. 15.91 (rounded to the nearest paise).

Table showing the equated monthly instalments payable for life in lieu of a lump sum payment of Re 1 (One rupee) due at ages shown in col. (1).

Age last birthday of the beneficiary on the date of death of the employee (x)	Equated monthly installment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee)	Age last birthday of the beneficiary on the date of death of the employee (x)	Equated monthly installment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee)
(1)	(2)	(1)	(2)
15	.00471732	46	.00685763
16	.00475242	47	.00697478
17	.00478911	48	.00709629
18	.00482604	49	.00722304
19	.00486170	50	.00735539
20	.00489705		
21	.00493425	51	.00749383
22	.00497370	52	.00763891
23	.00501551	53	.00779068
24	.00505986	54	.00794944
25	.00510711	55	.00811588
26	.00515735	56	.00828975



(1)	(2)	(1)	(2)
27	.00521044	57	.00847108
28	.00526648	58	.00866105
29	.00532588	59	.00885957
30	.00538879	60	.00906678
31	.00545532	61	.00928264
32	.00552586	62	.00950790
33	.00560069	63	.00974405
34	.00567982	64	.00999134
35	.00576319	65	.01024980
36	.00585008	66	.01051930
37	.00593983	67	.01080167
38	.00603239	68	.01109777
39	.00612737	69	.01140868
40	.00622483	70	.01173582
41	.00632463	71	.01207896
42	.00642615	72	.01243851
43	.00652957	73	.01281669
44	.00663558	74	.01321462
45	.00674469	75	.01363359

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