

Central Civil Services (Pension) Rules, 1972.
(As Adopted in the State of Tripura).

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THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972
(AS ADOPTED IN THE STATE OF TRIPURA)

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GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT

No. F. 1(3)-FIN(G)/77

Dated, Agartala, the 8th August, 1978.

NOTIFICATION

In exercise of the powers conferred by Article 309 of the Constitution of India and all other powers enabling him in that behalf the Governor of Tripura has been pleased to adopt the Central Civil Services (Pension) Rules, 1972 as given in the Annexure which shall be applicable to the Government Servants serving in connection with the affairs of the Government of the State of Tripura, subject to the following modifications namely :—

MODIFICATION

A. GENERAL

1. Whenever an expression mentioned in column 1 of the Table below occurs in the said Rules, then, unless that expression is by this Notification directed to be otherwise modified, or to stand un-modified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be

made in any sentence in which that expression occurs such consequential amendments as rules of grammar may require.

TABLE

1	2
President	Governor
President of India	Government of Tripura.
Central Government	State Government.
Central Service	State Service.
Union Public Service Commission.	Tripura Public Service Commission.
Consolidated Fund of India	Consolidated Fund of the State of Tripura.
Ministry of Finance	Finance Department.
Government of India.	Government of Tripura.

B—SPECIAL

2. In the Central Civil Services (Pension) Rules, 1972,—
 (1) For Sub-Rule (2) of Rule 1, the following sub-rule shall be substituted, namely:—

"(2) They shall be deemed to have come into force on and from the eighteenth day of September, 1974."

- (2) For rule 2, the following rule shall be substituted, namely

"2. Save as otherwise provided in these rules, these rules shall apply to Government servants appointed substantively to civil Services and posts in connection with the affairs of the State of Tripura which are borne on pensionable establishments, but shall not apply to:—

- (a) Persons in casual and daily rated employment;
- (b) Persons paid from contingencies;
- (c) Persons entitled to the benefit of a contributory provident Fund;
- (d) member of the All India Services;
- (e) Persons employed in contract except when the contract provides otherwise; and
- (f) Persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force."

(3) In rule 3,—

- (a) Clause (d) shall be omitted; and
- (b) in clause (g), for the words "the Consolidated Fund of a State or the Consolidated Fund of a Union Territory" the words "the Consolidated Fund of the State of Tripura" shall be substituted.

(4) In clause (b) of sub-rule (2) of rule 10, the words and mark "or in any other equivalent post under a State Government", shall be omitted.

(5) Rule 11 shall be omitted.

(6) In Sub-rule (3) of Rule 14,—

- (a) for the words "belonging to a State Government", the words "belonging to Central Government or other State Government" shall be substituted; and
- (b) for the words "State Government", the words "Central Government or other State Government" shall be substituted.

(7) For Rule 16, the following rule be substituted, namely:
"16. Service as an apprentice shall not qualify".

(8) In Rule 29,—

- (a) in sub-rule (1), the words "and transferred to the Central Pool of surplus personnel in the Cabinet Secretariat Department of Personnel" shall be omitted; and
- (b) in sub-rule (2)—
 - (i) for the words "Director-General of Employment and Training", the words "Director of Employment and Manpower" shall be substituted; and
 - (ii) the words and mark " and the Staff Inspection Unit of the Department of Expenditure, Ministry of Finance" shall be omitted.

(9) Rule 31 shall be omitted.

(10) Rule 46 shall be omitted.

(11) In Rule 57, for the words "Directorate of Estates", the words "Public Works Department" shall be substituted.

(12) Sub-rule (2) of Rule 60 shall be omitted.

(13) In Rule 63,—

- (a) in clause (a) of sub-rule (1), for the words "Ministry", the words "Department" shall be substituted; and
- (b) in sub-rule (2) and (3), the words "or the Ministry" shall be omitted.

- (14) In Rule 74A, for the words "a State Government", the words "the Central Government or to other State Government" shall be substituted.
- (15) In Rule 80 A,—
- (a) for the words "a State Government", wherever they occur, the words "Central Government or other State Government" shall be substituted; and
 - (b) for the words "State Government", the words "Central Government or State Government" shall be substituted
- (16) Sub-rule (2) to (6) of Rule 84 shall be omitted.
- (17) In Rule 80 A, for the words "a State Government", the words "the Central Government or other State Government" shall be substituted.
- (18) In Rule 88, the words "Ministry or", wherever they occur, shall be omitted.
- (19) In forms 8, 10, 11, 13, 15, 16, 19, 20 and 21 appended to the Rules, the words "Ministry of" shall be omitted.
- C—GOVERNMENT OF INDIA'S DECISIONS ETC.**
3. The Government of India's decisions, orders, instructions and clarifications issued till fourth day of October, 1977 on the various provisions of the Central Civil Service (Pension) Rules 1972 shall apply mutatis mutandis.

B. B. Deb Roy
By order of the Governor
Finance Secretary to the
Government of Tripura.

TABLE OF CONCORDANCE

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THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972
(AS ADOPTED IN THE STATE OF TRIPURA)

CHAPTER I

1. Short Title And Commencement.—(1) These rules may be called the Central Civil Services (Pension) Rules, 1972.

(2) They shall be deemed to have come into force on and from the eighteenth day of September, 1974.

2. Application.—Save as otherwise provided in these rules, these rules shall apply to Government servants appointed substantively to civil services and posts in connection with the affairs of the State of Tripura which are borne on pensionable establishments, but shall not apply to—

- (a) persons in casual and daily rated employment;
- (b) persons paid from contingencies;
- (c) persons entitled to the benefit of a Contributory Provident Fund;
- (d) members of the All India Services;
- (e) persons employed on contract except when the contract provides otherwise; and
- (f) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

3. Definitions

In these rules, unless the context otherwise requires:—

- (1) (a) 'Audit Officer' means the Accounts and Audit Officer, whatever his official designation, who authorises the disbursement of pay and allowances of a Government servant;
- (b) 'average emoluments' means average emoluments as determined in accordance with rule 34;
- (c) 'child' means a child of the Government servant who, if a son, is under eighteen years of age and if a daughter is unmarried and is under twenty-one years of age and the expression 'children' shall be construed accordingly;
- (d) 'emoluments' means emoluments as defined in rule 33;
- (e) 'family pension' means contributory family pension admissible under rule 54 and includes non-contributory family pension admissible under rule 55;
- (f) 'foreign service' means service in which a Government servant receives his pay with the sanction of the Government from any source other than the Consolidated

Fund of India or the Consolidated Fund of the State of Tripura.

(g) 'Form' means a Form appended in these rules ;

(h) 'Government' means the State Government of Tripura ;

(i) 'gratuity' includes :—

“ (i) 'service gratuity' payable under sub-rule (1) of rule 49 ;

(ii) 'death-cum-retirement gratuity' payable under sub-rule (1) or sub-rule (3) of rule 50 ; and

(iii) 'residuary gratuity' payable under sub-rule (2) of rule 50 ;

(j) 'Head of Department' means an authority specified in Schedule 1 to the Delegation of Financial Powers Rules, 1958, and includes such other authority or person whom the Government may, by order, specify as Head of a Department ;

(k) 'Head of Office' means a gazetted officer declared as such under rule 10-A of the Delegation of Financial Powers Rules, 1958, and includes such other authority or person whom the competent authority may, by order, specify as Head of Office ;

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

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

(n) 'pension' includes gratuity except when the term pension is used in contradistinction to gratuity ;

(o) 'pension sanctioning authority' means the authority competent to sanction pension under rule 60 ;

(p) 'qualifying service' means service rendered while on duty or otherwise which shall be taken into account for the purpose pensions and gratuities admissible under these rules ;

(q) 'retirement benefits' includes pension or service gratuity, and death-cum-retirement gratuity, where admissible ;

(r) 'Treasury' includes a Sub-Treasury.

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

4. Government servants transferred from services and posts to which these rules do not apply.

(1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service or post to which these rules do not apply shall become subject to these rules :

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

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

(3) The option, once exercised, shall be final.

CHAPTER II GENERAL CONDITIONS

5. Regulation of claims to pension or family pension.

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

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

Provided that in the case of a Government servant who is retire prematurely or who retires voluntarily under clauses (j) to (m) of Rule 56 of the Fundamental Rules or Rule 48, as the case may be, the date of retirement shall be treated as a non-working day.

6. Reduction in the amount of pension for unsatisfactory service.

(1) If the service rendered by a Government servant prior to the date of his retirement has not been satisfactory, the appointing authority may by order make reduction in the any one of pension, or gratuity, or both, as that authority may think proper :

Provided that the appointing authority shall, before passing an order under this sub-rule serve or cause to be served a notice upon the person concerned specifying the reduction proposed to be made in such amount on account of his unsatisfactory service under Government and call upon such person to submit, within fifteen days of the receipt of the notice or such further time as may be allowed by that authority, such representation as the person concerned may wish to make against the proposed order and take into consideration the representation, if any, submitted by such person before passing such order :

Provided further that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of Rule 49.

(2) (a) The appointing authority may delegate power to a subordinate authority for deciding if the service rendered by a Government servant has been satisfactory, and therefore, no reduction in the amount of pension, or gratuity, or both is called for.

(b) The power under clause (a) shall be delegated in respect of a category or categories of Government servants who may be subordinate to such subordinate authority.

(c) The delegation of power under clause (a) shall not carry with it the authority to order reduction in the amount of pension or gratuity, or both, which shall continue to vest in the appointing authority.

(3) For the purpose of sub-rule (1) and sub-rule (2) the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which Government servant retires.

(4) (a) The reduction referred to in sub-rule (1) shall be of a permanent character.

(b) The measure of reduction in the amount of pension shall be to the extent by which the Government servant's service as a whole has failed to reach a satisfactory standard and no attempt shall be made to equate the amount of reduction with the amount of loss caused to the Government.

(5) The pension authorised under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the appointing authority subsequent to the authorisation of pension.

(6) Whenever in the case of a Government servant the Governor passes an order (whether original or appellate) awarding a pension including gratuity less than the maximum admissible under these rules, the Union Public Service Commission shall be consulted before the order is passed.

(7) Nothing in this rule shall apply—

(a) where a part of pension has been withheld or ordered to be recovered under Rule 9; or

(b) where a part of pension has been reduced under Rule 40; or

(c) where death-cum-retirement gratuity is admissible under clause (b) of sub-rule (1) of Rule 50 and family pension is admissible under Rule 54 or Rule 55; or

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(d) to effect any recovery which has the result of punishment.

7. Limitations on number of pensions.

(1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in Rule 19, a Government servant who, having retired on a superannuation pension or retiring pension, is subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.

8. Pension subject to future good conduct.

(1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

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

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

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 49.

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

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

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

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

(4) Where the authority competent to pass an order under sub-rule (1) is the Governor the Tripura Public Service Commission shall be consulted before the order is passed.

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

Explanation.—In this rule—

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

9. RIGHT OF GOVERNOR TO WITHHOLD OR WITHDRAW PENSION

(1) The Governor reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement:

Provided that the Tripura Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced before the limit specified in sub-rule (5) of rule 49.

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

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

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

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

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 65 or rule 74, as the case may be, shall be sanctioned.

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

(6) For the purpose of this rule,—

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

(b) judicial proceedings shall be deemed to be instituted—

- (i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made; and
- (ii) in the case of civil proceedings, on the date the plaint is presented in the court.

10. Commercial employment after retirement.

(1) If a pensioner who, immediately before his retirement was a member of State Service Class I, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance.

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

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

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely;

- (a) the nature of the employment proposed to be taken up and the antecedents of the employer;
- (b) Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;
- (c) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favour to such employer;
- (d) whether the duties of the commercial employment proposed involve liaison or contact work with Government department;
- (e) whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage;
- (f) the emoluments offered by the proposed employer; and
- (g) any other relevant factor.

(4) Where within a period of 60 days of the date of receipt of an application under sub-rule (3), the Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Government shall be deemed to have granted the permission applied for.

(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such order thereon as it deem fit :

Provided that no order other than an order cancelling such condition or granting such permission without any condition shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

(6) If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order :

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration :

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely :—

- (i) the financial circumstances of the pensioner concerned ;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned ; and
- (iii) any other relevant factor.

(7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned".

In this rule,—

(8) (a) the expression "commercial employment" means :—

- (i) an employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government,

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matter in respect of which the pensioner—

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

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

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

Explanation:—For the purpose of this clause "employment under a co-operative society" includes the holding of any office, whether elective or otherwise, such as that of president, Chairman, Manager, Secretary Treasurer and the like by whatever name called in such society;

(b) the expression "date of retirement", in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Class 1 post under the Government means the date on which such Government servant finally ceases to be so re-employed in Government service.

11. Omitted.

12. Employment after retirement under a Government outside India.

If a pensioner who, immediately before his retirement was a member of State Service Class I, wishes to accept any employment under any Government outside India, he shall obtain previous permission of the State Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct:

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

Explanation.—For the purposes of this rule, the expression "employment under any Government outside India" includes employ-

ment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of the State Government outside India, or an employment under an International Organisation of which the State Government of India is not a member.

CHAPTER III

Qualifying Service

13. Commencement of qualifying service.

Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity :

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post :

Provided further that—

- (a) in the case of a Government servant in a Class IV service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose, and
- (b) in the case of a Government servant not covered by clause (a), service rendered before attaining the age of eight years shall not count, except for compensation gratuity.

14. Condition subject to which service qualifies.

(1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

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

(3) In the case of a Government servant belonging to Central Government or other State Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the Central Government or the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify :

Provided that nothing contained in this sub-rule shall apply to any such Government servant who is appointed otherwise than by deputation to a service or post to which these rules apply.

15. Counting for service on probation.

Service on probation against a post if followed by confirmation in the same or another post shall qualify.

16. Counting of service as apprentice.
Service as an apprentice shall not qualify.

17. Counting of service on contract.

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

(a) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service,

(b) to agree to refund to the Government the monetary benefits referred to in clause (a) or to forego the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

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

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

18. Counting of pre-retirement civil service in the case of re-employed Government servants.

(1) A Government servant who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity is re-employed and appointed substantively to a service or post to which these rules apply may exercise option either—

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

(b) to cease to draw his pension or refund the gratuity, including the death-cum-retirement gratuity, if any, as the case may be, and count his previous service as qualifying service in which case the pension immediately draw shall not be required to be refunded.

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

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

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

Note.—The capital value of pension shall be calculated in accordance with the rules prescribed by the Governor under the Civil Pension Communication Rules applicable at the time of second or final retirement.

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

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

(5) In the case of a Government servant who, having elected to refund the gratuity, dies before the entire amount is refunded,

the amount of unrefunded gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.

19. Counting of military service rendered before civil employment.

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

- (a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or
- (b) to cease to draw his pension or refund the gratuity including death-cum-retirement, if any, and count the previous military service as qualifying service, in which case the service so allowed to count shall be restricted to a service, within or outside the employees unit or department in India or elsewhere, which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government and the pension immediately drawn shall not be required to be refunded but the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded.

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

(b) If an option is exercised within the period referred to in clause (a), the Government servant shall be deemed to have opted for clause (a) of sub-rule (1).

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

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

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

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

Note.—The provisions of this sub-rule shall apply to an employee who had rendered continuous temporary non-regular military service along or in conjunction with war service and any interruption in service between the temporary non-regular military service and civil service may be condoned in accordance with the provisions of rule 28.

20. Counting of war service rendered before civil employment.

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

(a) in the case of a service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service;

(b) no contribution towards or share of pension earned as a result of counting war service rendered in a Force or a Commonwealth country shall be claimed from the Government of that country;

(c) no refund of bonus or gratuity in respect of war service shall be demanded from the Government servant concerned.

(2) War service rendered by a Government servant who was appointed substantively to a civil service or post against vacancies which arose after the 31st December, 1947, shall, subject to

the conditions specified in sub-rule (1), be treated as military service as provided in rule 19.

21. Counting of periods spent on leave.

All leave during service for which leave salary is payable and all extra-ordinary leave granted on medical certificates shall count as qualifying service:

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

(i) Omitted.

(ii) Due to his inability to join or re-join duty on account of civil communication; or

(iii) For prosecuting higher scientific and technical studies.

22. Counting of periods spent on training.

The Government may, by order, decide whether the time spent by a Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

23. Counting of periods of suspension.

Time passed by a Government servant under suspension pending enquiry into conduct shall count as qualifying service where, on conclusion of such enquiry, he has been fully exonerated or the suspension is held to be wholly unjustified; in other case the period of suspension shall not count unless the authority competent to pass orders under the rules governing such cases expressly declares at the time that it should count to such extent as the competent authority may declare.

24. Forfeiture of service or dismissal or removal.

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

25. Counting of past service on reinstatement.

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

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

26. Forfeiture of service on resignation—

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

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

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

(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :—

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation ;

(ii) that during the period of intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper ;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days ;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or including or a composition or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of

interruption in service but the period of interruption shall not count as qualifying service.

27. Effect of interruption in service.

(1) An interruption in the service of a Government servant entails forfeiture of his past service, except in the following cases—

- (a) authorised leave of absence;
- (b) unauthorised absence in continuation of authorised leave of absence so long as the post of absentee is not filled substantively;
- (c) suspension, where it is immediately followed by reinstatement whether in the same or a different post, or where the Government servant dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension;
- (d) transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest;
- (e) joining time while on transfer from one post to another.

(2) Notwithstanding anything contained in sub-rule (1), the pension sanctioning authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

28. Condonation of interruption in service.

(1) The appointing authority may, by order, condone interruption in the service of a Government servant:—

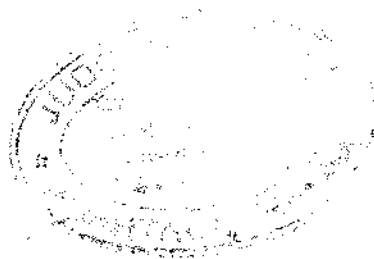
Provided that—

- (i) the interruptions have been caused by reasons beyond the control of the Government servant;
- (ii) the total service excluding one or more interruptions, if any, is not less than five years' duration; and
- (iii) the interruption, including two or more interruptions, if any, does not exceed one year.

(2) The period of interruption condoned under sub-rule (1) shall not count as qualifying service.

29. Addition to qualifying service when a Government servant is declared surplus.

(1) A Government servant, other than a Government servant in Class IV service or post, who, after having been declared surplus to the establishment in which he was serving opts to retire



voluntarily within two months of his transfer and is permitted to retire, shall be entitled to have five years added to the qualifying service rendered by him :

Provided that the qualifying service rendered is not less than fifteen years and the resultant length of qualifying service after taking into account the aforesaid addition is not more than the service the Government servant could have counted had retired on the date of his superannuation.

(2) In respect of a Government servant in Class IV Service or post the provisions of sub-rule (1) shall apply if he opts for voluntary retirement within a period of two months of the reporting of his name to the Director of Employment and Manpower, after having been declared surplus in the establishment in which he was serving as a result of studies made by the Department of Administrative Reforms.

30. Addition to qualifying service in special circumstances.—

(1) A Government servant appointed to a service or post after the 31st March, 1960, shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one—

- (a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and
- (b) to which candidates of more than twenty-five years of age are normally recruited :

Provided that the concession shall not be admissible to a Government servant unless his actual qualifying service at the time he quits Government service is not less than ten years :

Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule.

(2) A Government servant who is recruited at the age of thirty-five years or more, nay, within a period of three months from the date of his appointment, select to forego his right to pension whereupon he shall be eligible to subscribe to a Contributory Provident Fund.

(3) The option referred to in sub-rule (2), once exercised, shall be final.

31. Omitted.

32. Verification of qualifying service after 25 years service, or five years before retirement.—

(1) On a Government servant completing 25 years of service or on his being left with five years before date of retirement, whichever is earlier, the Audit Officer concerned in the case of a Gazetted Government servant or the Head of Office, in consultation with the Audit Officer concerned in the case of a non-Gazetted Government servant shall, in accordance with the rules for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him in Form 24 the period of qualifying service so determined.

(2) Notwithstanding anything contained in sub-rule (1), where a Government servant is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus or where a non-Gazetted Government servant is promoted to Gazetted rank the verification of his service may be done whenever such event occurs.

(3) The verification done under sub-rules (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

CHAPTER IV

Emoluments and average Emoluments

33. Emoluments.

The expression "emoluments" means pay as defined in rule 9(21) of the Fundamental Rules (including dearness pay, as determined by the order of the Government issued from time to time) which a Government servant was receiving immediately before his retirement or on the date of his death.

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

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

Note 2.—Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of

emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

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

Note 4.—If a Government servant immediately before his retirement or death while in service was on earned leave or leave on average pay, as the case may be, and earns an increment, which was not withheld,

- (a) during the currency of the earned leave not exceeding 120 days, or during the first one hundred and twenty days of earned leave exceeding one hundred and twenty days, or
- (b) during the currency of leave on average pay not exceeding four months, or during the first four months of leave on average pay exceeding four months, such increment though not actually drawn, shall form part of his emoluments.

Note 5.—Pay drawn by a Government servant in a tenure appointment shall be treated as emoluments:

Provided that the service in tenure appointment does not qualify for the grant of additional pension.

Note 6.—Pay drawn by a Government servant while on deputation to the Armed Forces of India shall be treated as emoluments.

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

Note 8.—Where a pensioner who is re-employed in Government service elects in terms of clause (a) of sub-rule (1) of the rule 18 or clause (a) of sub-rule (1) of rule 19 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

Note 9.—In respect of period prior to 1st March, 1974 emoluments include—

- (i) the dearness allowance where the dearness pay is not admissible,
- (ii) the balance of dearness allowance where dearness pay is admissible and
- (iii) interim reliefs.

Note 10.—Where a Government servant has been transferred to an autonomous body consequent on the conversion of a department of the Government into such a body and the Government servant so transferred opts to retain the pensionary benefits under the rules of the Government, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of this rule.

34. Average emoluments.

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last three years of his service:

Provided that the average emoluments of a Government servant who retire on or after the 29th February, 1976, shall be determined with reference to emoluments drawn during the last 10 complete months of his service.

Note 1.—If during the last three years of his service a Government servant or last 10 months of his service, as the case may be, a Government servant had been absent from duty on leave for his leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments:

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

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

Note 3.—In the case of a Government servant who was on earned leave or leave on average pay, as the case may be, during the last three years of service or last 10 months of service, as the case may be, and earned an increment, which was not withheld.

(a) during the currency of the earned leave not exceeding 120 days or during the first one hundred and twenty days of earned leave exceeding 120 days, or

(b) during the currency of leave on average pay not exceeding four months, or during the first four months of leave on average pay exceeding for months,

such increment, though not actually drawn, shall be included in the average emoluments.

CHAPTER V

Classes of Pensions and Conditions Governing their Grant.

35. Superannuation Pension.

A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement.

36. Retiring Pension.

A retiring pension shall be granted :—

- (a) to a Government servant who retires, or is retired, in advance of the age of compulsory retirement, in accordance with the provisions of rule 43 or rule 48 of these rules or rule 56 of the Fundamental Rules or Article 459 of the Civil Service Regulations; and
- (b) to a Government servant who, on being declared surplus opts for voluntary retirement in accordance with the provisions of rule 29 of these rules.

37. Pension on absorption in or under a Corporation, Company or Body—

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

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

Provided further that the provisions of sub-rule (5) of rule 49, shall not apply for the purpose of determining pension under this rule.

37-A. Payment of lump sum amount to persons on absorption in or under a corporation, company or body.—

(1) Where a Government servant referred to in rule 37 elects the alternative of receiving the death-cum-retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to death-cum-retirement gratuity, be granted :

- (a) on an application made in this behalf, a lump sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him in accordance with the provisions of the Civil Pensions (Commutation) Rules; and
- (b) a terminal benefit equal to twice the amount of the lump sum referred to in clause (a), subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

38. Invalid Pension.—

(1) Invalid pension may be granted if a Government servant retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(2) A Government servant applying for an invalid pension shall submit a medical certificate of incapacity from the following medical authority, namely;—

- (a) a medical board, in the case of a Gazetted Government servant and of a non-Gazetted Government servant whose pay, as defined in rule 9(21) of the Fundamental Rules, exceeds seven hundred and fifty rupees per mensem;
- (b) Civil Surgeon or District Medical Officer or Medical Officer of equivalent status in other cases.

Note 1.—No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or Department is aware of the intention of the applicant to appear before the medical authority. The medical authority shall also be supplied by the Head of the Office or Department in which the applicant is employed with a statement of what appears from official records to be the age of the applicant. If a Service Book is being maintained for the applicant, the age recorded therein should be reported.

Note 2.—A lady doctor shall be included as a member of the Medical Board, when a woman candidate is to be examined.

(3) The form of the Medical Certificate to be granted by the medical authority specified in sub-rule (2) shall be as in Form 23.

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

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

- (b) If the incapacity has not been directly caused by such habits but has been accelerated or aggravated by them it shall be for the pension sanctioning authority to decide what reduction should be made on this account.

39. Compensation pension.—

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

- (a) of taking compensation pension to which he may be entitled for the service he had rendered, or
 - (b) of accepting another appointment on such pay as may offered and continuing to count his previous service for pension.
- (2) (a) Notice of at least three months shall be given to a Government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.
- (b) Where notice of at least three months is not given and the Government servant has not been provided with other employment on the date on which his services dispensed with, the authority competent to dispose with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.
- (c) No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.

(3) In case a Government servant is granted pay and allowance for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

40. Compulsory retirement pension.

(1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to

impose such penalty pension or gratuity or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

Provided that in the case of a Government servant to whom rule 46 applies, additional pension of not less than the limits mentioned in this rule may also be granted.

(2) Whenever in the case of a Government servant the Governor passes an order (whether original, appellate or an exercise of power of review) awarding a pension less than the full compensation pension admissible under these rules, the Tripura Public Service Commission shall be consulted before such order is passed.

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

(3) A pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the limit in sub-rule (5) of rule 49.

41. Compensation allowance.

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

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired no compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the limit specified in sub-rule (5) of rule 49.

CHAPTER VI

Regulation of Amounts of Pension of Pre-1938 Entrants

42. Scope.

The provisions of this Chapter shall apply to a Government servant who on the 30th September, 1938, held a lien or a suspended lien on a permanent pensionable post under the Government or a Local Fund administered by the Government and had opted for:

- (a) continuing under the rules applicable to him but for the introduction of the new pension scheme; or
- (b) drawing pension, including additional pension, under the rules applicable to him but for the introduction of the new pension scheme, reduced by the pension equiva-

lent of the gratuity admissible under the new pension scheme and receiving in lieu of this reduction the death-cum-retirement gratuity as provided under this scheme.

43. Retirement on completion of 30 years or 25 years qualifying service.

(1) A retiring pension shall be granted to a Government servant who is permitted by the appointing authority to retire after completing qualifying service of thirty years.

(2) A Government servant who has completed twenty-five years' qualifying service and who holds a service or post specified in clause (1) of Article 349-A of the Civil Service Regulations shall be entitled to a retiring pension if his resignation is accepted or if he is required by the Government to retire.

Note.—The Government retains an absolute right to retire a Government servant governed by this sub-rule after he has completed twenty-five years' qualifying service without giving any reasons and no claim to special compensation on this account shall be entertained. This right shall not be exercised except when it is in the public interest to dispense with the further services of Government servant.

(3) A Government servant, who has elected to retire under this rule and has given necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority.

Provided that the request for withdrawal shall be made within the intended date of his retirement.

44. Regulations of amounts of pension.

(1) In the case of a Government servant to whom sub-rules (2) and (3) do not apply, the amount of superannuation, retiring, invalid or compensation pension shall be regulated as follows; namely :—

Completed in monthly period of qualifying service	Scale of pension	Maximum pension per annum
(1)	(2)	(3)
50 and above	30/60th of average emoluments	Rs. 5,000

(2) In the case of a Government servant who holds a service or post specified in clause (a) of Article 349-A of the Civil Service

Regulations, the amount of superannuation, retiring, invalid or compensation pension shall be regulated as follows, namely:—

Completed six monthly periods of qualifying service	Scale of pension	Maximum pension Per annum
(1)	(2)	(3)
50	30/60th of average emoluments	Rs. 5,000
51	30/60th of average emoluments	Rs. 5,100
52	30/60th of averages emoluments	Rs. 5,200
53	30/60th of average emoluments	Rs. 5,300
54	30/60th of average emoluments	Rs. 5,400
55	30/60th of average emoluments	Rs. 5,500
56	30/60th of average emoluments	Rs. 5,600
57	30/60th of average emoluments	Rs. 5,700
58	30/60th of average emoluments	Rs. 5,800
59	30/60th of average emoluments	Rs. 5,900
60 and above	30/60th of average emoluments	Rs. 6,000

Regulations, the amount of superannuation, retiring, invalid or compensation pension shall be regulated as follows, namely:—

Completed six monthly periods of qualifying service	Scale of pension	Maximum pension Per annum
(1)	(2)	(3)
50	30/60th of average emoluments	Rs. 5,000
51	30/60th of average emoluments	Rs. 5,100
52	30/60th of averages emoluments	Rs. 5,200
53	30/60th of average emoluments	Rs. 5,300
54	30/60th of average emoluments	Rs. 5,400
55	30/60th of average emoluments	Rs. 5,500
56	30/60th of average emoluments	Rs. 5,600
57	30/60th of average emoluments	Rs. 5,700
58	30/60th of average emoluments	Rs. 5,800
59	30/60th of average emoluments	Rs. 5,900
60 and above	30/60th of average emoluments	Rs. 6,000

CHAPTER VII

Regulation of amounts of Pension of Post-1938 Entrants

47. Scope.

The provisions of this Chapter shall apply to a Government servant—

- (a) Who on the 30th September, 1938, held a lien or a suspended lien on a permanent pensionary post under the Government or a Local Fund administered by the Government and did not opt for the provisions relating to pension and gratuity as specified in clause (a) or clause (b) of rule 42, and
- (b) Who entered Government service on or after the 1st ber, 1938, or having entered service before that did not hold a lien or a suspended lien on a permanent pensionary post before that date.

48. Retirement on completion of 30 years' qualifying service.

(1) At any time after a Government servant has completed 30 years' qualifying service—

- (a) he may retire from service, or
- (b) he may be required by the appointing authority to retire in the public interest

and in the case of such retirement the Government servant shall be entitled to a retiring pension:

Provided that—

- (a) a Government servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and
- (b) the appointing authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months pay and allowances in lieu of such notice.

Provided further that where the Government servant giving notice under clause (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule.

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

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

49. Amount of pension.

(1) In the case of a Government servant retiring in accordance with the provisions of this rule before completing qualifying service of ten years, the amount of service gratuity shall be the appropriate amount as set out below, namely:—

Completed six monthly periods of qualifying service	Scale of service gratuity
(1)	(2)
1	$\frac{1}{2}$ month's emoluments.
2	1 " "
3	$1\frac{1}{2}$ " "
4	2 " "
5	$2\frac{1}{2}$ " "
6	3 " "
7	$3\frac{1}{2}$ " "
8	4 " "
9	$4\frac{3}{8}$ " "
10	$4\frac{3}{4}$ " "
11	$5\frac{1}{8}$ " "
12	$5\frac{1}{2}$ " "
13	$5\frac{7}{8}$ " "
14	$6\frac{1}{4}$ " "
15	$6\frac{5}{8}$ " "
16	7 " "
17	$7\frac{3}{8}$ " "
18	$7\frac{3}{4}$ " "
19	$8\frac{1}{8}$ " "

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

Completed or monthly
period of qualifying.

Scale of Pension

Maximum pension
(in rupees per annum)

1	2	3
	of average emoluments	
20.	10/80ths	3750.00
21.	10 $\frac{1}{2}$ /80ths	3967.50
22.	11/80ths	4125.00
23.	11 $\frac{1}{2}$ /80ths	4312.50
24.	12/80ths	4500.00
25.	12 $\frac{1}{2}$ /80ths	4687.50
26.	13/80ths	4875.00
27.	13 $\frac{1}{2}$ /80ths	5062.50
28.	14/80ths	5250.00
29.	14 $\frac{1}{2}$ /80ths	5437.50
30.	15/80ths	5625.00
31.	15 $\frac{1}{2}$ /80ths	5812.50
32.	16/80ths	6000.00
33.	16 $\frac{1}{2}$ /80ths	6187.50
34.	17/80ths	6375.00
35.	17 $\frac{1}{2}$ /80ths	6562.50
36.	18/80ths	6750.00
37.	18 $\frac{1}{2}$ /80ths	6937.50
38.	19/80ths	7125.00
39.	19 $\frac{1}{2}$ /80ths	7312.50
40.	20/80ths	7500.00
41.	20 $\frac{1}{2}$ /80ths	7687.50
42.	21/80ths	7875.00
43.	21 $\frac{1}{2}$ /80ths	8062.50
44.	22/80ths	8250.00
45.	22 $\frac{1}{2}$ /80ths	8437.50
46.	23/80ths	8625.00
47.	23 $\frac{1}{2}$ /80ths	8812.50
48.	24/80ths	9000.00
49.	24 $\frac{1}{2}$ /80ths	9187.50
50.	25/80ths	9375.00
51.	25 $\frac{1}{2}$ /80ths	9562.50
52.	26/80ths	9750.00
53.	26 $\frac{1}{2}$ /80ths	9937.50
54.	27/80ths	10125.00

Completed six monthly periods of qualifying Service	Scale of Pension	Maximum pension (in rupees per annum)
1	2	3
55.	27½/80ths of average emoluments	10312.50
56.	28/80ths „ „ „	10500.00
57.	28½/80ths „ „ „	10687.50
58.	29/80ths „ „ „	10875.00
59.	29½/80ths „ „ „	11062.50
60.	30/80ths „ „ „	11250.00
61.	30½/80ths „ „ „	11437.50
62.	31/80ths „ „ „	11625.00
63.	31½/80ths „ „ „	11812.50
64.	32/80ths „ „ „	12000.00
65.	32½/80ths „ „ „	12000.00
66. and above	33/80ths „ „ „	12000.00

(b) Notwithstanding anything contained in clause (a), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of Rule 54.

(3) In calculating the length of service, fractions of a year equal to six months and above shall be treated as a completed six monthly period.

(4) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee :

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

(5) Where the amount of pension,

(a) calculated by taking into account dearness pay, or

(b) calculated after excluding dearness pay, but inclusive of ad hoc increase sanctioned in the Ministry of Finance Office Memorandum No. F. 15(13) EV (A)/63, dated the 16th October, 1963, as amended from time to time,

is less than forty rupees per mensem, the difference shall be made good by the grant of further increase in pension :

Provided that nothing in this sub-rule shall apply to a Government servant referred to in Rule 37.

(6) Nothing contained in sub-rule (5) shall apply to a military pensioner who on his re-employment in a civil service or post had elected to draw his military pension under clause (a) of sub-rule (1) of rule 19, if such a pensioner was allowed the benefit of minimum pension of forty rupees per mensem (including temporary increase or ad hoc increase or both) in respect of his military service:

Provided that where the amount of military pension (including ad hoc increase or temporary increase or both) is forty rupees per mensem or more, and his pension for civil service (including ad hoc increase, if any) falls below forty rupees per mensem, his civil pension shall be raised to forty rupees per mensem in accordance with the provisions of sub-rule (5).

50. Death-cum-retirement gratuity.

(1) (a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under rule 49, shall on his retirement, be granted death-cum-retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to 16½ times the emoluments.

(b) If a Government servant dies, while in service after completing five years' qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of his emoluments or the amount determined under clause (a), whichever is higher and it shall be paid to his family in the manner indicated in sub-rule (1) of rule 51:

Provided that the amount of death-cum-retirement gratuity payable under this rule shall, in no case exceed thirty thousand rupees.

(2) If a Government servant, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad hoc increase, if any, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 51.

(3) (a) If a Government servant dies in the first year of qualifying service, a death-cum-retirement gratuity equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub-rule (1) of rule 51.

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

(4) (a) In the case of a Government servant to whom rule 54 applies, a contribution of an amount equal to two months' emoluments or five thousand rupees, whichever is less, shall be recovered out of the death-cum-retirement gratuity:

Provided that where the average emoluments are treated as emoluments under sub-rule (5), the amount of contribution shall be determined with reference to such average emoluments:

Provided further that no recovery from the death-cum-retirement gratuity for contribution towards the family pension shall be made in the case of a Government servant retiring from service on or after 22nd September, 1977.

(b) No such recovery shall be made out of the death-cum-retirement gratuity payable to a Government servant—

(i) who retires before earning a pension, or

(ii) who, at the time of death while in service or at the time of retirement, was an unmarried Government servant or was a widower or a widow and had no child or children.

Explanation.—In this sub-clause, "child" or "children" includes legally adopted child or children.

or

(iii) in respect of whom contributory family pension is sanctioned under sub-rule (4) of rule 54.

(5) The emoluments for the purpose of gratuity admissible under this rule shall be subject to a maximum of two thousand and five hundred rupees per mensem, and shall be reckoned in accordance with rule 33:

Provided that if the emoluments of a Government servant have been reduced during the last three years of his service otherwise than as penalty, average emoluments as referred to in rule 34 may, at the discretion of the pension sanctioning authority, be treated as emoluments.

(6) For the purpose of this rule and rules 51, 52 and 53, 'family', in relation to a Government servant, means—

- (i) wife or wives including judicially separated wife or wives in the case of a male Government servant,
- (ii) husband including judicially separated husband in the case of a female Government servant,
- (iii) sons including step sons and adopted sons,
- (iv) unmarried daughters, including step daughters and adopted daughters,
- (v) widowed daughters including step daughters and adopted daughters,
- (vi) father } including adoptive parents in the case of
- (vii) mother } individuals whose personal law permits adoption,
- (viii) brothers below the age of eighteen years including step brothers,
- (ix) Unmarried sisters and widowed sisters including step sisters,
- (x) Married daughters, and
- (xi) children of a pre-deceased son.

51. Persons to whom gratuity is payable.

- (1) (a) The gratuity payable under rule 50 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of nomination under rule 53;
- (b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below:—
 - (i) if there are one or more surviving members of the family as in clauses (i), (ii) and (iv) of sub-rule (6) of rule 50, to all such members in equal shares;
 - (ii) if there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub-rule (6) of rule 50, to all such members in equal shares.
- (2) If a Government servant dies after retirement without receiving the gratuity admissible under sub-rule (1) of rule-50 the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1).
- (3) The right of a female member of the family, or that of a brother, of a Government servant, who dies while in service or after retirement to receive the share of gratuity shall not be

affected if the female member marries or re-marries, or the brother attains the age of eighteen years, after the death of the Government servant and before receiving her or his share of the gratuity.

(4) Where gratuity is granted under rule 50 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

52. Lapse of death-cum-retirement gratuity.

Where a Government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and—

- (a) has made no nomination, or
- (b) the nomination made does not subsist,

the amount of death-cum-retirement gratuity payable in respect of such Government servant under rule 50 shall lapse to the Government.

53. Nominations.

(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or Form 2, as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under rule 50:

Provided that if at the time of making the nomination—

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

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

(3) A Government servant may provide in the nomination—

- (i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination:

Provided that if at the time of making the nomination the Government servant has a family consisting of more than one mem-

her, the person so specified shall not be a person other than a member of his family :

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

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

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

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

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

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

(7) (a) Every nomination made (including every notice of cancellation, if any, given) by a Government servant under this rule shall be sent—

- (i) in case the Government is a permanent Gazetted Government servant other than a Gazetted Government servant referred to in sub-rule (1) of rule 59, to the audit officer concerned ; and

- (ii) in any other case, including that of a Gazetted Government servant referred to in sub-rule (1) of rule 59, to the Head of Office.

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

- (c) (i) The Head of Office may authorise his subordinate Gazetted Officer to countersign the nomination form of non-Gazetted Government servants.

(ii) Suitable entries regarding receipt of nomination shall be made in the Service Book of the non-Gazetted Government servant.

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

54: Contributory Family Pension.

(1) The provisions of this rule shall apply—

(a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and

(b) to a Government servant who was in service on the 31st December, 1963 and came to be governed by the provision of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance Office Memorandum No. 9(16)-EV (A)/63, dated the 31st December, 1963, as in force immediately before the commencement to these rules.

(2) Subject to the provisions of sub-rule (5) and without prejudice to the provisions contained in sub-rule (3), where a Government servant dies—

(a) after a completion of not less than one year's continuous service, or

(b) after retirement from service and was on the date of death in receipt of a pension or compassionate allowance, referred to in Chapter V, other than the pension referred to in rule 37,

the family of the deceased shall be entitled to a Contributory Family Pension (hereinafter in this rule referred to as family pension) the amount of which shall be determined in accordance with the Table below:—

Pay of Government servant	Amount of monthly family pension.
i). Below Rs. 400/-	30% of pay subject to a minimum of Rs. 60/- and a maximum of Rs. 100/-
ii). Rs. 400/- and above but below Rs. 1,200/-	15% of pay subject to a minimum of Rs. 100/- and a maximum of Rs. 160/-
iii). Rs. 1,200/- and above	12% of pay subject to a minimum of Rs. 160/- and a maximum of Rs. 250/-

(2)-A. The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee :

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

(3) (a) (i) Subject to the provisions of sub-rule (5), where a Government servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-rule (2), whichever is less, and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of seven years, or for a period upto the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever is less.

(3) (a) (ii) In the event of death of a Government servant after retirement, the family pension as determined under sub-rule (i) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever is less :

Provided that in no case the amount of family pension determined under this clause shall exceed the pension sanctioned on retirement from Government service :

Provided further that where the amount of pension sanctioned on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

Explanation: For the purpose of this sub-clause, pension sanctioned on retirement includes the part of the pension which the retired Government servant may have commuted before death."

(b) (i) Where a Government servant, who is governed by the Workmen's Compensation Act, 1923 (8 of 1923) dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2), whichever is less.

(ii) The family pension so determined under sub-clause (i) shall be payable for the period mentioned in clause (a) :

Provided that where a compensation is not payable under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Audit Officer

to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and the family shall be paid family pension on the scale, and for the period, mentioned in clause (a).

- (c) After the expiry of the period referred to in clause (a), the family, in receipt of family pension under that clause or under clause (b), shall be entitled to family pension at the rate admissible under sub-rule (2).
- (4) (a) (i) Where an award the Central Civil Services (Extraordinary Pension) Rules is admissible, no payment of family pension under this rule shall be authorised except in a case where a Government servant dies, as a result of 'risk of office' or 'special risk of office' as defined, in the aforesaid rules, after having rendered continuous service of not less than seven years.
- (ii) The family of such Government servant shall be authorised the payment of family pension on the scale, and for the period mentioned in clause (a) of sub-rule (3) and on the expiry of that period award under the Central Civil Services (Extraordinary Pension) Rules shall become payable.
- (b) Where the payment of family pension under clause (a) has been authorised to a widow or widower, nothing contained in that clause shall be construed as preventing the child or children, if any, from drawing pension under the Central Civil Services (Extraordinary Pension) Rules.
- (c) Where a Government servant referred to in clause (a) dies after having rendered not less than one year's continuous service, but before completion of seven years' continuous service, and is not survived by a widow or widower, but is survived only by child or children, such child or children shall be authorised the payment of family pension as admissible under sub-rule (2) if such pension is higher than the award under the Central Civil Services (Extraordinary Pension) Rules.
- (5) The grant of family pension under sub-rule (2) or sub-rule (3) shall be subject to the payment of contribution under sub-rule (4) of rule 50 or under any order issued by the Government, and nothing contained in this sub-rule shall apply to the grant of family pension under sub-rule (4).

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

- (i) in the case of a widow or widower, up to the date of death or remarriage, whichever is earlier;
- (ii) in the case of a son, until he attains the age of eighteen years; and
- (iii) in the case of an unmarried daughter, until she attains the age of 21 years or until she gets married, whichever is earlier.

"Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 18 years in the case of the son and 21 years in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:—

- (i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (8) of this rule until the last minor child attains the age of 18 or 21, as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life;
- (ii) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely:—
 - (a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the life-time of the elder;
 - (b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life-time of the elder;
- (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she was a minor;
- (iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;
- (v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a

certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Explanation.—(a) Only the disability which manifests itself before the retirement or death of the Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule.

(b) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

(c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) In such cases it shall be duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood; (ii) in the case of daughter, that she has not yet married.

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

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

Provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.

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

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

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

(iii) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of eighteen years and thereby become ineligible for the grant of family pension.

(9) Where a deceased Government servant or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned

in clause (i) or (ii) of sub-rule (1), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

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

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

(a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rates mentioned in sub-rule (3), the amount of both the pensions shall be limited to five hundred rupees per mensem;

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

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to two hundred and fifty rupees per mensem.

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

Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the Government servant takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving.

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

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

(12) (a) (i) As soon as a Government servant has completed one year's continuous service, he shall give details of his family in Form 3 to the Audit Officer, if he is a gazetted Government servant other

than a gazetted Government servant referred to in sub-rule (1) of rule 59, or to the Head of Office, if he is a non-gazetted Government servant or a gazetted Government servant referred to in sub-rule (1) of rule 59:

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

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

- (b) The Government servant shall communicate to the Audit Officer or the Head of Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his female child.
- (c) The Audit Officer shall on receipt of the said Form 3 keep it in safe custody and acknowledge the receipt of the said Form 3 and all further communications received from the Government servant in this behalf.
- (d) The Head of Office shall, on receipt of the said Form 3, paste it in the service book of the Government Servant concerned and acknowledge receipt of the said Form 3 and all further communications the said Form 3 and all further communications received from the Government servant in this behalf.
- (e) The Audit Officer or the Head of Office, as the case may be, on receipt of communication from the Government servant regarding any change in the size of family shall incorporate such a change in Form 3.

(13) The ad hoc increase in pension, sanctioned in the Ministry of Finance Office Memorandum of F. 15(13)-EV (A)/63 dated the 16th October, 1963, as amended from time to time, shall not be payable to the family in receipt of a family pension under this rule.

(14) For the purpose of this rule,—

- (a) "continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include—
 - (i) period of suspension, if any, and
 - (ii) period of service, if any, rendered before attaining the age of eighteen years;

(b) "family" in relation to a Government servant means—

- (i) wife in the case of a male Government servant, or husband in the case of a female Government servant, provided the marriage took place before the retirement of the Government servant;
- (ii) a judicially separated wife or husband such, separation not being granted on the ground of adultery provided the marriage took place before the retirement of the Government servant;
- (iii) son who has not attained the age of eighteen years and unmarried daughter who has not attained the age of twenty-one years, including such son and daughter adopted legally before retirement but shall not include son or daughter born after retirement;

(c) 'pay' means the emoluments as specified in rule 38 :

Provided that in a case in which average emoluments as referred to in rule 34 are treated as emoluments for the purpose of death-cum-retirement gratuity referred to in rule 50, such average emoluments shall be treated as pay.

(15) Nothing contained in this rule shall apply to—

(a) a re-employed Government servant who had retired before the 1st January, 1964, from—

- (i) civil service on retiring pension or superannuation pension, or
- (ii) military service on retiring pension, service pension, invalid pension, and who, on the date of re-employment had attained the age of superannuation applicable to the post in which he is re-employed;

(b) a military pensioner who has retired from military service on or after the 1st January, 1964, or retires from such service after the commencement of these rules, on retiring pension, service pension or invalid pension and is re-employed in a civil service or post before attaining the age of superannuation :

Provided that for the grant of ordinary family pension such Government servant is governed by Army Instruction 2/5/64, as amended from time to time, or corresponding Navy or Air Force Instruction.

55. Non-contributory family pension.

(1) The provisions of this rule shall apply to a Government servant who was in service on the 31st December, 1963 and had

specifically opted for the scheme of family pension (hereinafter in this rule referred to as non-contributory family pension) admissible under the Ministry of Finance Office Memorandum No. F. 3(i) E. (Spl.)/47, dated the 17th April, 1950, as in force immediately before the commencement of these rules.

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

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

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

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

(3) A Government servant who, at the time of his retirement, including compulsory retirement as a penalty, had rendered qualifying service of not less than twenty years and dies within five years of the date of his retirement, a non-contributory family pension shall be granted to his family for the unexpired portion of five years from the date of his retirement.

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

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

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

Provided further that where the amount of non-contributory family pension, (calculated after taking into account, the ad hoc increase, if admissible, sanctioned in the Ministry of Finance

Office Memorandum No. 15(3)-EV (A)/63, dated the 16th October, 1963, as amended from time to time) is less than forty rupees per month, the difference shall be made good by the grant of further increase in the amount of non-contributory family pension.

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

- (a) to a person mentioned in clause (b) of sub-rule (6), without production of reasonable proof that such person was dependent on the deceased Government servant for support;
- (b) to an unmarried female member of a Government servant's family, in the event of her marriage;
- (c) to a widow female member of a Government servant's family in the event of her re-marriage, and
- (d) to a brother of a Government servant, on his attaining the age of eighteen years.

(6) (a) Except as may be provided by nomination under sub-rule (7), the non-contributory family pension sanctioned under this rule shall be payable—

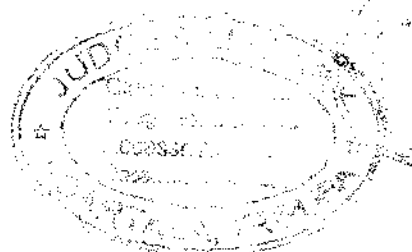
- (i) to the widow, and if there are more widows than one, to the eldest surviving widow, if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant.

Explanation.—The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriages of the surviving widows and not with reference to their age;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing the above, to the eldest surviving widowed daughter.

(16) If there are no surviving member of the family as in clause (a) the non-contributory family pension may be granted:

- (i) to the father;
- (ii) failing (i) above, to the mother;
- (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years;
- (iv) failing (i) (ii) and (iii) above, to the eldest surviving unmarried sister;



(v) failing the above to the eldest surviving widowed sister.

- (7) (a) A Government servant on his confirmation in a service or post, may make a nomination in Form 4 indicating the order in which a non-contributory family pension should be paid to the members of his family and, to the extent it is valid, the non-contributory family pension shall be payable in accordance with such nomination:

Provided that the persons concerned satisfy the requirements of sub-rule (5) on the date from which such non-contributory pension may fall due.

- (b) In case the person concerned does not satisfy the requirements of sub-rule (5), the non-contributory family pension shall be granted to the person next lower in the order shown in the nomination.
- (c) The provisions of sub-rule (5), (7) and (8) of rule 53 shall apply in respect of nominations made under this sub-rule.
- (8) (a) A non-contributory family pension granted under this sub-rule shall not be payable to more than one member of a Government servant's family at the same time.
- (b) If the non-contributory family pension granted under this rule ceases to be payable on account of death or marriage of the recipient or other causes, it shall be re-granted to the person next lower in the order mentioned in sub-rule (6) or to the person next lower in the order shown in the nomination made under sub-rule (7), as the case may be, who satisfies the other provisions of this rule.
- (9) A non-contributory family pension sanctioned under this rule shall be tenable in addition to any extra-ordinary pension or gratuity or compensation that may be granted to the members of a Government servant's family.
- (10) Where non-contributory family pension is granted under this rule to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.
- (11) For the purpose of this rule, the expression 'family' in relation to a Government servant means, the family as defined in clauses (i) to (viii) of sub-rule (6) of rule 50.

CHAPTER VIII

Applications for and Sanction of Pensions

GENERAL.

56. Preparation of list of Government servants due for retirement.

- (1) Every Head of the Department shall have a list prepared every six months, that is, on the 1st January and the 1st July each year of all gazetted and non-gazetted Government servants who are due to retire within the next 24 to 30 months of that date.
- (2) A copy of every list referred to in sub-rule (1) shall be supplied to the Audit Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year.
- (3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement becomes known to him.

57. Intimation to the Estate Officer in the Public works department regarding issue of 'No Demand Certificate'.

The Head of the Department or the Head of Office shall write to the Estate Office in the Public Works Department at least one year before the anticipated date of retirement of a Government servant who is in occupation of a Government accommodation, for issue of 'No Demand Certificate' so that the sanction of pension and gratuity is not delayed and the necessary Government dues are realised within the period specified in sub-rule (3) of rule 76.

58. Submission of application for pension.

- (1) Every Government servant shall submit in writing an application for pension in Form 5:

Provided that a gazetted Government shall send his application direct to the Audit Officer and a non-gazetted Government servant to the Head of Office.

- (2) Every Government shall submit his application for pension at least two years in advance of the date of his anticipated retirement:

Provided that—

- (i) in a case in which the date of retirement cannot be foreseen two years in advance, the application shall be submitted immediately after the date of retirement is settled; and

- (ii) a Government servant, proceeding on leave preparatory to retirement in excess of two years shall submit the application at the time of proceeding on such leave.

59. Gazetted Government servants drawing pay on establishment bills and other Government servants holding gazetted posts in officiating capacity.

- (1) A gazetted Government servant whose pay and allowances are drawn by the Head of Office on establishment bills shall be treated as a non-gazetted Government servant. Such Government servant shall submit his application for pension to the Head of Office and the procedure laid down in rules 66 to 74 (both inclusive) shall apply to him.
- (2) In the case of a Government servant holding a lien or a suspended lien on a non-gazetted post and holding a gazetted post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer at least one year in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a Gazetted post only during the last year of his service, after verifying that the certificate of verification relating to non-gazetted service has been recorded and that the service book is completed in all respects.

60. Authority competent to sanction pension.

- (1) (a) The Head of the Department or any other authority competent to make appointment to the post substantively held by the retiring Government servant shall be competent to sanction pension and gratuity.
- (b) The authority referred to in clause (a) shall, after considering the facts of the case and having due regard to the provisions of rule 6, record in Form 6 his orders as to whether the service rendered by the Government servant has been satisfactory and is approved for the grant of full pension or gratuity or both admissible under the rules or whether the service so rendered has not been thoroughly satisfactory and what reduction should, for that reason, be made from the full pension or gratuity or both.

(2) Omitted.

61. Revision of pension after sanction.

- (1) Subject to the provisions of rules 8 and 9, pension once sanctioned after final assessment shall not be revised to the

disadvantage of the Government servant unless such revision becomes necessary, on account of a clerical error, subsequently:

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the pension sanctioning authority without the sanction of the Finance Department if the clerical error is detected after a period of two years from the date of sanction of pension.

(2) For the purpose of sub-rule (1), the Government servant concerned shall be served with a notice by the pension sanctioning authority requiring him to refund the excess payments of pensions within a period of two months from the date of receipt of notice by him.

(3) In case the Government servant fails to comply with the notice, the pension sanctioning authority shall, by order in writing direct that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the said authority may direct.

GAZETTED GOVERNMENT SERVANTS

62. Preparation of pension papers.

The Audit Officer concerned shall undertake the work of preparing pension papers in Form 7 two years before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier. This work shall not be delayed till the Government servant has actually submitted his application for pension.

Explanation.—In this rule and in rules 63, 64 and 65 the expression "Government servant" means a gazetted Government servant other than a gazetted Government servant referred to in sub-rule (1) of rule 59.

63. Further action to sanction pension.

- (1) (a) The Audit Officer concerned shall send to every Government servant, under intimation to the Head of the Department or where the retiring Government servant is himself the Head of the Department, to the Department concerned, the application for pension in Form 5 two years in advance of the date on which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement.

- (b) The Audit Officer shall also draw the attention of the retiring Government servant to the provisions of rule 83.

(2) On receipt of a copy of application for pension from the Audit Officer, the retiring Government servant shall return it duly completed to the Audit Officer within the period mentioned in sub-rule (1) under intimation to the Head of the Department if he himself is the Head of the Department.

- (3) (a) The Head of the Department shall communicate the order of the pension sanctioning authority to the Audit Officer in Form 6 within a period of three months from the date of receipt of the intimation referred to in sub-rule (1) but in no case later than the date of retirement of the Government servant.

(b) If the orders of the pension sanctioning authority are not received by the Audit Officer within the period mentioned in clause (a), he shall assume that the retiring Government servant has been allowed full pension or gratuity or both as admissible under the rules.

(c) If, after the communication of the order of sanction to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority.

(d) In case no such event has occurred, a report to the effect together with a certificate as to the satisfactory nature of the service rendered by the Government servant after the despatch of Form 6 mentioned in clause (a) shall be forwarded to the Audit Officer within a week of the date on which the Government servant retires.

(4) The Head of Office shall furnish to the Audit Officer at least fourteen days before the date of retirement of the Government servant, the following particulars, namely:—

- (a) Government dues recoverable out of the gratuity before payment is authorised, that is to say,—
- (i) contribution towards contributory family pension, if applicable;
 - (ii) Government dues which have been ascertained and assessed;
- (b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far;

Provided that the Audit Officer shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 76 the Government servant has made a cash deposit for furnished a surety of a permanent Government servant.

"(4-A) If the dues which are not assessed are wholly or partly due to non-vacation of Government accommodation after retirement, the Head of Office shall, within six months from the date of retirement, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the amount withheld relates to unascertainable dues not connected with the non-vacation of Government accommodation and shall proceed to refund such amount".

(5) When the Government servant has retired from service, a notification in the Official Gazette specifying the actual date of his retirement shall be issued within a week of such date and a copy of every such notification shall be forwarded immediately to the Audit Officer :

Provided that where a notification in the Official Gazette regarding the grant of leave preparatory to retirement to a Government servant is issued, a further notification that the Government servant actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

(6) The Audit Officer shall finally assess the pension and gratuity and if the pension is payable in his circle of audit he shall, after taking into account the orders of the pension sanctioning authority and the audit encasement on section 1 of Part III of Form 7 and the dues mentioned in sub-rule (4), prepare the Pension Payment Order and order for the payment of gratuity :

Provided that the Pension Payment Order and order for the payment of gratuity shall not be issued more than a fortnight in advance of the date on which the Government servant is due to retire.

(7) If the pension is payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle who shall arrange payment at the Treasury concerned.

(8) The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly reported to the pension sanctioning authority.

64. Sanction of anticipatory pension and gratuity.

(1) When a Government servant is likely to retire before his pension or gratuity or both can be finally assessed and settled

in accordance with the provisions of these rules, the Audit Officer shall determine the pension or gratuity or both to which, after the most careful summary investigation that he can make without delay, he believes the Government servant to be entitled. He shall then authorise the disbursement of the pension so determined as 'anticipatory pension' and of three-fourths of the amount of gratuity so determined as 'anticipatory gratuity' after deducting therefrom the dues mentioned in sub-rule (4) of rule 63. If the pension is payable in England, he shall, report the amount payable to the High Commissioner for India in the United Kingdom who will authorise the disbursement of the amount reported or such smaller amount as may be deemed proper.

(2) The amount payable under sub-rule (1) shall be subject to visit on the completion of the detailed investigation and enquirement.

(3) If the amount of pension granted to a Government servant under sub-rule (1) is afterwards found to be in excess of that to which he is entitled under these rules, he shall be called upon to refund such excess in the manner and under the conditions specified in rule 61. If, however, the amount of gratuity so disbursed proves to be larger than the amount finally assessed, the gratuitant shall not be required to refund the excess actually disbursed to him.

65. Provisional pension where departmental or judicial proceedings may be pending.

(1) (a) In respect of a Government servant referred to in sub-rule (4) of rule 9, the Audit Officer shall authorise the payment of provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service upto the date of retirement of the Government servant, or if he was under suspension on the date of retirement, upto the date immediately preceeding the date on which he was placed under suspension.

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

(c) No gratuity shall be authorised to the Government servant until the conclusion of such proceedings and issue of final orders thereon.

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

(3) Nothing contained in these rules shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings.

NON-GAZETTED GOVERNMENT SERVANTS

66. Preparation of pension papers.

(1) Every Head of Office shall undertake the work of preparing pension papers in Form 7 two years before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement whichever is earlier. This work shall not be delayed till the Government servant has actually submitted his application in writing for pension in Form 5.

(2) (a) The Head of Office shall send to every Government servant the application for pension in Form 5 two years in advance of the date on which the Government servant attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement.

(b) The Head of Office shall also draw attention of the retiring Government servant to the provisions of rule 83.

Explanations.—In this rule and in rule 67 to 74 (both inclusive), the expression 'Government servant' means a non-gazetted Government servant including a gazetted Government servant referred to in sub-rule (1) of rule 59.

67. Verification of service.

(1) Omitted.

(2) (a) The Head of Office shall go through the service book and the service roll, if any, of the Government servant and satisfy himself as to whether the annual certificates of verification for the entire service are recorded therein.

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

(3) If the service for any period is not capable of being verified in the manners specified in sub-rule (2), that period of service having been rendered by the Government servant in another office or Department, a reference shall be made to the Head of that Office or, as the case may be, Head of that Department in which the Government servant is shown to have served during that period for the purpose of verification.

(4) (a) If any portion of service rendered by a Government servant is not capable of being verified in the manners specified in sub-rule (2) or sub-rule (3), the Government servant shall file a written statement on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall, in support of such declaration, produce all documentary evidence and furnish all information which is in his power to produce or furnish.

(b) The authority competent to sanction pension to that Government servant shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service admit, if satisfied, that portion of service as having been rendered for the purpose of calculating the pension of that Government servant.

68. Completion of pension papers

(1) The Head of Office shall complete Part I of Form 7, irrespective of the fact whether an application for pension has been received from the Government servant or not.

(2) If at the time of completing Part I of Form 7 the said application from the Government servant has not been received, the relevant columns in Part I of Form 7 shall be left unfilled and relevant entries made as soon as the said application is received.

69. Forwarding of pension papers to Audit Officer.

(1) (a) After complying with the requirements of rule 68, the Head of Office shall certify in Form 6 as to whether the character, conduct and past service of the Government servant are such as to entitle him to the favourable consideration of the pension sanctioning authority.

(b) The Head of Office shall also record in Form 6 his opinion as to whether the service claimed has been established and should be admitted or not.

(c) Where the Head of Office is not the pension sanctioning authority, he shall obtain the orders of such authority in Form 6.

(2) (a) After completing Form 6, the Head of Office shall send Form 6 and 7 in original to the Audit Officer, with a covering letter in Form 8 along with the Government servant's service book and service rolls, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed, in such a manner that they can be conveniently consulted.

(b) The Head of Office shall retain one copy of each of the above Forms for his office record.

(3) Where payment is desired in another circle of audit, the Head of Office shall send in duplicate Form 6 and 7 to the Audit Officer.

70. Intimation to Audit Officer regarding any event having a bearing on pension.

(1) If, after the pension papers hamper forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority.

(2) Where the pension papers have been sent to the Audit officer before the actual date of retirement of the Government servant, a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting the service by the pension sanctioning authority to the date of actual retirement together with a copy of the orders specifying the date of actual retirement shall be forwarded to the Audit Officer within a week from the date of actual retirement of the Government servant.

(3) The Head of Office shall furnish to the Audit Officer, at least fourteen days before the date of retirement of the Government servant, the following particulars, namely:—

(a) Government dues recoverable out of the gratuity before payment is authorised that is to say,—

(i) contribution towards contributory family pension, if applicable;

(ii) Government dues which have been ascertained and assessed;

(b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far;

Provided that the Head of Office shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 76 the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.

(4) If the dues which are not assessed are wholly or partly due to non-vacation of Government accommodation after retirement, the Head of Office shall, within six months from the date of retirement, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the amount withheld relates to unascertainable dues not connected with the non-vacation of Government accommodation and shall proceed refund of such amount.

71. Sanction, drawal and disbursement of provisional pension and of gratuity.

(1) After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of Office shall draw provisional pension not exceeding the maximum pension and three-fourths of the gratuity as indicated in Part I of Form 7 and for this purpose adopt the following procedure, namely :—

- (a) he shall issue a sanction letter to the Government servant endorsing a copy thereof to the Audit Officer indicating the amount of provisional pension and three-fourths of the gratuity payable to such Government servant on retirement from service ;
- (b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3) of rule 70 ;
- (c) after the issue of the sanction letter he shall draw—
 - (i) the amount of provisional pension, and
 - (ii) the amount of three-fourths of the gratuity after reduction therefrom the dues mentioned in clause (b), in Form T.R. 37-B appended to the Treasury Rules as in force in the State of Tripura, from the Treasury at which the pay and allowances of the establishment are drawn by him,
- (d) he shall obtain from such Government servant on retirement from service a certificate of non-employment as provided in rule 354 of the said Treasury Rules and append the same to the said Form T.R. 37-B.

(2) The Head of Office shall take steps to draw and disburse the provisional pension and gratuity to the retired Government servant on the 1st day of the month following the month in which the Government servant retired from service.

(3) The payment of provisional pension shall continue for a period of six months from the date of retirement of the Government servant unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 73.

(4) The Head of Office shall inform the Audit Officer—

- (a) as soon as the gratuity has been paid to the retired Government servant, and
- (b) as soon as the provisional pension has been paid to the retired Government servant for a period of six months for the period extended under the proviso to sub-rule (1) of rule 73, as the case may be.

(5) If the pensioner desires the payment of provisional pension or of gratuity or of both through money order to bank draft, the same shall be remitted to him through money order or bank draft at his cost :

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Provided that in the case of any pensioner who is sanctioned a provisional pension not exceeding Rs. 100 per mensem, the amount of provisional pension shall, at the request of the pensioner, be remitted to him by money order at Government expense.

72. Drawal of balance of gratuity from Treasury or from Head of Office.

(1) It shall be open to the Government servant to receive the payment of the balance of the gratuity from the Treasury from which the payment of final pension is desired by him or from the Head of Office.

(2) Where a Government servant desires to receive the payment of balance of the gratuity from the Head of Office, he shall communicate his option in this behalf to the Head of Office in writing before the date of his retirement.

(3) The Head of Office shall thereupon take steps to draw and disburse the balance of the gratuity after the Audit Officer has issued the necessary authority as provided in sub-rule (4) of rule 73.

73. Authorisation of final pension and balance of gratuity by the Audit Officer.

(1) On receipt of the pension papers referred to in rule 69, the Audit Officer shall apply the requisite steps, record his audit enforcement on section 1 of Part III of Form 7 and assess the amount of final pension and gratuity, within a period of six months from the date of retirement of the Government servant:

Provided that if the Audit Officer is, for any reason, unable to assess the amount aforesaid, he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise the Head of Office to continue to disburse the provisional pension to the retired Government servant for such period as may be specified by the Audit Officer.

(2) (a) If the pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.

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

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

(3) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the retired Government servant and if such balance is payable in his circle of audit, the Audit Officer shall prepare and order for its payment.

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Provided that in the case of any pensioner who is sanctioned a provisional pension not exceeding Rs. 100 per mensem, the amount of provisional pension shall, at the request of the pensioner, be remitted to him by money order at Government expense.

72. Drawal of balance of gratuity from Treasury or from Head of Office.

(1) It shall be open to the Government servant to receive the payment of the balance of the gratuity from the Treasury from which the payment of final pension is desired by him or from the Head of Office.

(2) Where a Government servant desires to receive the payment of balance of the gratuity from the Head of Office, he shall communicate his option in this behalf to the Head of Office in writing before the date of his retirement.

(3) The Head of Office shall thereupon take steps to draw and disburse the balance of the gratuity after the Audit Officer has issued the necessary authority as provided in sub-rule (4) of rule 73.

73. Authorisation of final pension and balance of gratuity by the Audit Officer.

(1) On receipt of the pension papers referred to in rule 69, the Audit Officer shall apply the requisite steps, record his audit endorsement on section 1 of Part III of Form 7 and assess the amount of final pension and gratuity, within a period of six months from the date of retirement of the Government servant:

Provided that if the Audit Officer is, for any reason, unable to assess the amount aforesaid, he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise the Head of Office to continue to disburse the provisional pension to the retired Government servant for such period as may be specified by the Audit Officer.

(2) (a) If the pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.

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

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

(3) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the retired Government servant and if such balance is payable in his circle of audit, the Audit Officer shall prepare and order for its payment.

ment of the Government servant, or if he was under suspension on the date of retirement upto the date immediately preceeding the date on which he was placed under suspension.

- (b) The provisional pension shall be paid by the Head of Office for a period of six months unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 73.
- (c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.
- (2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.
- (3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings.

74-A. Government servants on deputation.

In the case of a Government servant who retires from service, while on deputation to the Central Government or to other State Government or while on foreign service, action to sanction pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Audit Officer or the Head of Office, as the case may be, of the cadre authority which sanctioned the deputation of the Government or to foreign service.

GOVERNMENT DUES

75. Recovery and adjustment of Government dues.

(1) It shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement.

(2) Where a retiring Government servant does not clear the Government dues and such dues are ascertainable—

- (a) an equivalent cash deposit may be taken from him,
or
- (b) out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Government dues shall be deducted therefrom.

Explanation.—The expression 'ascertainable Government dues' includes balance of House Building or conveyance advance, arrears of rent and other charges pertaining to occupation of Government accommodation, overpayment of pay and allowances and arrears of

income-tax deductible at source under the Income tax Act, 1961 (43 of 1961).

76. Furnishing of surety by retiring Government servant.

- (1) (a) If any of the Government dues (other than those referred to in rule 75) remain unrealised and unassessed for any reasons, the retiring Government servant may be asked to furnish in Form 9 a surety of a suitable permanent Government servant.
 (b) If the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.
- (2) (a) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him, or, such portion of gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.
 (b) The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty-five percent thereof.
 (c) Where it is not possible to estimate the approximate amount recoverable from the retiring Government servant the amount of deposit to be taken or the portion of the gratuity to be withheld shall be limited to ten per cent of the amount of gratuity or one-thousand rupees, whichever is less.
- (3) (a) Effort shall be made to assess and adjust the recoverable Government dues within a period not exceeding six months from the date of retirement of the Government servant and, if no claim is made on Government account against the Government servant within such a period it shall be presumed that no Government claim is outstanding against him.

Explanation.—In respect of dues pertaining to the occupation of Government accommodation by the Government servant, the period of six months shall reckon from the date of retirement, or from the date of complete vacation of the Government accommodation, whichever is later.

- (b) The Government dues as assessed shall be adjusted against the cash deposit or the amount withheld from the gratuity and the balance, if any, shall be released to the retired Government servant after the expiry of the period referred to in clause (a).
- (c) Where a pensioner has furnished a surety, the surety shall be released after the expiry of the period referred to in clause (a) provided the dues assessed upto that time

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(4) The Government dues which remain unrealised within the period referred to in clause (a) of sub-rule (3) and such other dues, the claim for which is received after that period, shall be recoverable from the retired Government servant.

CHAPTER IX

SANCTION OF FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY IN RESPECT OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE.

77. Payment of finally pension and death-cum-retirement gratuity when a gazetted Government servant dies while in service.

(1) Where the Head of Office has received an intimation about the death of a gazetted Government servant while in service, he shall communicate the fact to the Audit Officer concerned.

Explanation.—For the purpose of this Rule, 'gazetted Government servant' means:

(i) a Government servant who, before his death, had a lien or a suspended lien on a permanent pensionable service or post in a gazetted capacity but does not include a gazetted Government servant referred to in sub-rule (1) of rule 59; and

(ii) a Government servant other than a Government servant referred to in sub-rule (1) of rule 59, who before his death held pensionable service or post in gazetted capacity but had not held a lien or a suspended lien on any permanent pensionable service or post.

(2) On receipt of the information communicated under sub-rule (1), the Audit Officer shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant.

(3) (a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 50, the Audit Officer shall ascertain—

(i) if the deceased Government servant had nominated any person or persons to receive the gratuity, and

(ii) if the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Audit Officer shall then address the person concerned in Form 10 or Form 11, as may be appropriate for making a claim in Form 12.



(4) Where the family of the deceased Government servant is eligible for the contributory family pension under rule 54—

- (a) the Audit Officer shall address the widow or widower in Form 13 for making a claim in Form 14, and
- (b) where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Audit Officer :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(5) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 55, the Audit Officer shall ascertain—

- (i) if the deceased Government servant had nominated a member of his family to receive the payment of the non-contributory family pension; and
- (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable.

(b) The Audit Officer shall then address the person concerned in Form 15 or Form 16, as may be appropriate for making a claim in Form 17.

(6) (A) Notwithstanding anything contained in sub-rule (3) to (5), the Head of Office shall furnish to the Audit Officer the following particulars, namely :—

- (i) Government dues recoverable out of the gratuity before payment is authorised, that is to say,—
 - (a) contribution towards contributory family pension, if applicable ;
 - (b) Government dues which have been ascertained and assessed ;
- (ii) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far ;
- (iii) Omitted.
- (iv) such other particulars, including details of the family of the deceased Government servant for the purpose of obtaining claim, as the Audit Officer may require.

Note.—The amount of gratuity to be held over under sub-clause (ii) shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 76.

(B) Omitted.

(6-A) If the dues which are not assessed are wholly or partly due to non-vacation of Government accommodation after death, the Head of Office, shall, within six months from the date of death, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the amount withheld relates to unascertainable dues not connected with non-vacation of Government accommodation and shall proceed to refund such amount".

(7) On receipt of the claim or claims, the Audit Officer shall complete Form 18 and finally assess the amount of death-cum-retirement gratuity or family pension or both.

(8) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.

(9) (a) The Audit Officer shall authorise the payment of gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.

(b) The amount of gratuity held over under sub-clause (ii) of clause (a) of sub-rule (6) shall be adjusted by the Audit Officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 76.

(c) If the gratuity is payable in his circle of audit, the Audit Officer shall prepare an order for its payment.

(10) If the family pension and gratuity are payable in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of gratuity.

(11) The fact of the issue of the Pension Payment Order and order for the payment of gratuity shall be promptly be reported to the pension sanctioning authority.

78. Authorisation of Anticipatory Gratuity and Family Pension.

(1) Where the amount of death-cum-retirement gratuity and family pension payable under rule 77 cannot be finally assessed and settled in accordance with the provisions of these rules within a reasonable time, the Audit Officer shall determine the gratuity and the family pension, which, after the most careful summary investigation, that he can make without delay, he believes the claimant to be entitled. He shall, after complying with the provisions of sub-rules (9), (10) and (11) of rule 77, authorise the disbursement of the family

pension so determined as "anticipatory family pension" and three-fourths of the amount of the gratuity so determined as "anticipatory gratuity."

(2) The anticipatory family pension and gratuity authorised under sub-rule (1) shall be subject to revision on completion of detailed investigation and enquiries, if any.

(3) If the amount of anticipatory family pension granted is afterwards found to be in excess of the final family pension assessed by the Audit Officer, it shall be opened to the Audit Officer to adjust the excess by short payment of family pension payable in future. If, however, the amount of gratuity disbursed proves to be larger than the amount finally assessed by the Audit Officer, the gratuitant shall not be required to refund the excess actually disbursed to him.

79. Payment of provisional family pension and death-cum-retirement gratuity when a non-gazetted Government servant dies while in service.

(1) Where the Head of Office has received an intimation about the death of a non-gazetted Government servant while in service, he shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased Government servant.

Explanation.—For the purposes of this rule and rule 80 the expression 'non-gazetted Government servant' includes:

- (i) a gazetted Government servant referred to in sub-rule (1) of rule 59, and
 - (ii) a gazetted Government servant who before his death did not hold a lien or a suspended lien on a permanent pensionable service or post in a gazetted capacity but held a lien or suspended lien on a permanent pensionable service or post in non-gazetted capacity.
- (2) (a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 50, the Head of Office shall ascertain;
- (i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and
 - (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.
- (b) The Head of Office shall, then, address the person concerned in Form 10 or Form 11 as may be appropriate who may submit a claim in Form 12.
- (3) Where the family of the deceased Government servant is eligible for the contributory family pension under rule 54—

- (a) the Head of Office shall address the widow or widower in Form 12 for making a claim in Form 11; and
- (b) Where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form 14 to the Head of Office:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

- (4) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 55, the Head of Office shall ascertain—

- (i) if the deceased Government servant had nominated any member of his family to receive the payment of non-contributory family pension; and
- (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable,

- (b) the Head of Office shall, then, address the person concerned in Form 15 or Form 16 as may be appropriate, for making a claim in Form 17.

(5) The Head of Office shall furnish to the Audit Officer the following particulars regarding the details of Government dues outstanding against the deceased Government servant, namely:—

- (a) Government dues recoverable out of the gratuity before payment is authorised, that is to say—

- (i) contribution towards contributory family pension, if applicable;
- (ii) Government dues which have been ascertained and assessed;

- (b) amount of gratuity to be held over for adjustment of Government dues which have not been assessed so far.

Note.—The amount of gratuity to be held over shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 76.

(5-A) If the dues which are not assessed are wholly or partly due to non-vacation of Government accommodation after death, the Head of Office shall, within six months from the date of death, communicate the fact to the Audit Officer and where no such communication is received by the Audit Officer, he shall presume that the

amount withheld relates to unascertainable dues not connected with non-vacation of Government accommodation and shall proceed to refund such amount.

(6) (a) (i) Omitted.

(ii) Omitted.

(iii) Omitted.

(b) After completing Form 18, the Head of Office shall send that Form in original to the Audit Officer with a covering letter in Form 19 along with the Government servant's service book and service roll, if any, duly completed up to date and any other document relied upon for the verification of the service claimed in such a manner that they can be conveniently consulted.

(c) The Head of Office shall retain one copy of the aforesaid Form for his office record.

(d) If the payment is desired in another circle of audit, Form 18 shall be sent in duplicate to the Audit Officer.

(7) After the documents referred to in sub-rules (5) and (6) have been sent to the Audit Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and three-fourths of the gratuity as indicated in Part I of Form 18 and for this purpose adopt the following procedure, namely:—

(a) he shall issue a sanction letter in favour of the claimant or claimants endorsing a copy thereof to the Audit Officer indicating the amount of provisional family pension and three-fourths of the gratuity payable under these rules;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (5);

(c) after issue of the sanction letter, he shall draw—

(i) the amount of provisional family pension; and

(ii) the amount of three-fourths of the gratuity after deducting therefrom the dues mentioned in clause (b), from the Treasury at which the pay and allowances of the establishment are drawn by him.

(8) The Head of Office shall disburse the provisional family pension and gratuity to the claimant or claimants on or after the first day of the month following the month in which the Government servant died.

(9) The payment of provisional family pension shall continue for a period of six months from the date following date of death of the Government servant unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 80.

(10) The Head of Office shall inform the Audit Officer—

- (a) as soon as the gratuity has been paid to the claimant or claimants, and
- (b) as soon as the provisional family pension has been paid for a period of six months, or for the period extended under the proviso to sub-rule (1) of rule 80, as the case may be.

(11) If the claimant desires the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost :

Provided that in case of any claimant who is sanctioned a provisional family pension not exceeding Rs. 100 per mensem, the amount of pension shall, at the request of the claimant, be remitted to him by money order at Government expense.

80. *Authorisation of final family pension and balance of gratuity in respect of a deceased non-gazetted Government servant referred to in rule 79.*

(1) On receipt of the document referred to in sub-rules (5) and (6) of rule 79, the Audit Officer shall, within a period of six months from the date of death of the non-gazetted Government servant, apply the requisite checks, record his audit enforcement on Section I of Part IV of Form 18 and assess the amount of final family pension and gratuity :

Provided that if the Audit Officer is, for any reason, unable to assess the amount within the period aforesaid, he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Audit Officer.

- (2) (a) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.
- (b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.
- (c) Arrear of family pension, if any, in respect of the period for which family pension was drawn and disbursed by the Head of Office shall also be authorised by the Audit Officer.
- (3) (a) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.
- (b) The amount of gratuity held over under sub-rule (5) of rule 79 shall be adjusted by the Audit Officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant

(10) The Head of Office shall inform the Audit Officer—

- (a) as soon as the gratuity has been paid to the claimant or claimants, and
- (b) as soon as the provisional family pension has been paid for a period of six months, or for the period extended under the proviso to sub-rule (1) of rule 80, as the case may be.

(11) If the claimant desires the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost :

Provided that in case of any claimant who is sanctioned a provisional family pension not exceeding Rs. 100 per mensem, the amount of pension shall, at the request of the claimant, be remitted to him by money order at Government expense.

80. Authorisation of final family pension and balance of gratuity in respect of a deceased non-gazetted Government servant referred to in rule 79.

(1) On receipt of the document referred to in sub-rules (5) and (6) of rule 79, the Audit Officer shall, within a period of six months from the date of death of the non-gazetted Government servant, apply the requisite checks, record his audit encasement on Section I of Part IV of Form 18 and assess the amount of final family pension and gratuity :

Provided that if the Audit Officer is, for any reason, unable to assess the amount within the period aforesaid, he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Audit Officer.

- (2) (a) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.
- (b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.
- (c) Arrear of family pension, if any, in respect of the period for which family pension was drawn and disbursed by the Head of Office shall also be authorised by the Audit Officer.
- (3) (a) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.
- (b) The amount of gratuity held over under sub-rule (5) of rule 79 shall be adjusted by the Audit Officer against the Government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant

CHAPTER X

SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

81. *Sanction of family pension and residuary gratuity on the death of a pensioner*

(1) Where the Head of Office has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner :

Provided that the Head of Office may, when he considers it necessary so to do, consult the Audit Officer.

- (2) (A) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of contributory family pension under rule 54, the amount of contributory family pension as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.
- (ii) On receipt of an application from the widow or widower, the Treasury Officer from whom the deceased pensioner was drawing his or her pension shall authorise the payment of contributory family pension to the widow or widower, as the case may be.
- (B) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 14 to the Head of Office for the payment of contributory family pension :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

- (ii) On receipt of a claim from the guardian, the Head of Office shall sanction the contributory family pension in Form 20.
- (C) (i) Where a widow or widower in receipt of contributory family pension remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for contributory family pension, the remarried individual shall be eligible to draw the contributory family pension on behalf of such child or children if such individual continues to be the guardian of such child or children.

(ii) For the purpose of sub-clause (i), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely:

- (a) a declaration that the applicant continues to be the guardian of such child or children;
- (b) the date of remarriage;
- (c) the name and date of birth of the child or children from the former spouse;
- (d) the Treasury from where the payment of contributory family pension on behalf of such child or children is desired;
- (e) full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the contributory family pension shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in Form 14 to the Head of Office for the payment of contributory family pension.

(iv) On receipt of the claim referred to in sub-clause (iii) the Head of Office shall sanction contributory family pension in Form 21.

(D) (i) Where a widow or widower in receipt of contributory family pension dies and leaves behind child or children who is or are eligible for contributory family pension, the guardian may submit a claim in Form 14 to the Head of Office for the payment of contributory family pension:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Head of Office shall sanction contributory family pension in Form 21.

(iii) (a) In case the deceased pensioner was governed by the non-contributory family pension and his death had taken place within five years of his retirement, the non-contributory family pension shall become payable to the eligible member of the family of the deceased pensioner as provided in rule 55 for the unexpired period of five years from the date of retirement of the deceased.

(b) On receipt of a claim in Form 17 from such member, the Head of Office shall sanction the

non-contributory family pension for the unexpired period aforesaid.

- (iv) Where on the death of a retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of rule 50, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 22 from the person or persons eligible to receive the residuary gratuity.

82. Authorisation of payment by Audit Officer

On receipt of the sanction under rule 80 regarding the payment of family pension or of residuary gratuity or of both, the Audit Officer shall authorise the payment of the same.

CHAPTER XI

PAYMENTS OF PENSIONS

83. Date from which pension becomes payable :

- (1) Except in the case of a Government servant to whom the provisions of rule 37 apply and subject to the provisions of rules 9, 65 and 74 a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.
- (2) Pension including family pension shall be payable for the day on which its recipient dies.

84. Currency in which pension is payable :

- (1) Except as otherwise provided in this rule, all pensions shall be payable in rupees in India.
- (2) Omitted.
- (3) Omitted.
- (4) Omitted.
- (5) Omitted.
- (6) Omitted.

85. Manner of payment of gratuity and pension :

- (1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.
- (2) A pension fixed at monthly rates shall be payable monthly on or after the 1st day of the following month.

86. Application of Treasury Rules :



Save as otherwise provided in these rules, the Treasury Rules as in force in the State of Tripura shall apply in regard to the procedure of payment—

- (i) of gratuity,
- (ii) of pension,
- (iii) of pension undrawn for more than a year, and
- (iv) of pension in respect of a deceased pensioner.

CHAPTER XII

MISCELLANEOUS

87. Interpretation :

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

88. Power to relax :

Where any department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that department may, by order for reason to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the Finance Department.

89. Repeal and saving :

- (1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.
- (2) Notwithstanding such ceasing of operation—
 - (a) (i) every nomination for the payment of death-cum-retirement gratuity, or of non-contributory family pension,
 - (ii) every form regarding the details of family of a Government servant for the purpose of contributory family pension, and
 - (iii) every formal application for the sanction of pension,

which a Government servant had made or given under the old rule shall be deemed to have been made or given under the corresponding provisions of these rules :

- 44
- (b) any nomination for the payment of death-cum-retirement gratuity or of non-contributory family pension; any form regarding the details of family of a Government servant for the purpose of contributory family pension or any formal application for the sanction of pension required to be made or given by a Government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;
- (c) any case which pertains to the sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;
- (d) any case which pertains to the sanction of death-cum-retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;
- (e) subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

FORMS

FORM 1.

[See rule 53 (1)]

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Government servant has a family and wishes to nominate one member, or more than one member thereof.

I ... hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Original nominee(s)				Alternate nominee(s)	
Names and addresses of nominee/nominees	Relationship with the Government servant	Age	Amount or share of gratuity payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Govt. servant but before receiving payment of gratuity.	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

* This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

(2) FORM 1—Contd.

The nomination supersedes the nomination made by me earlier on... which stands cancelled.

NOTE (i) The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this ... day of ... 197 at ...

Witnesses to signature :

1. ...
2. ... Signature of Government servant.

(To be filled in by the Head of Office/Audit Officer)

Nomination by ... Signature of Head of Office/Audit Officer

Designation... Date ...

Office... Designation ...

Proforma for Acknowledging the Receipt of the Nomination
Form by the Head of Office/Audit Officer.

To

Sir,

In acknowledging the receipt of your nomination dated the... /
cancellation dated the ... of the nomination made earlier in respect
of gratuity in Form ... I am to state that it has been fully placed on
record.

Signature of Head of Office/Audit Officer.

Place...

Dated the... Designation.

NOTE.—The Government servant is advised that it would be in the interest
of his nominees if copies of the nominations and the related notices and
acknowledgements are kept in safe custody so that they may come into the
possession of the beneficiaries in the event of his death.

FORM 2

[See rule 53(1)]

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Government servant has no family and wishes to nominate one person or more than one person.

I, ... having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Original nominee(s)				Alternate nominee(s)	
Name and addresses of nominee/nominees	Relationship with Government servant	Age	Amount of share of gratuity payable to each.*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity.	Amount of share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

This nomination supersedes the nomination made by me earlier on ... which stands cancelled.

Note—(i) The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this... day of... 197 at...

FORM 2—Contd.

Witnesses to signature.

1.

2.

Signature of Government servant.

(To be filled in by the Head of Office/Audit Officer)

Nomination by... ..

Designation

Office

Signature of Head of Office/Audit Officer.

Date... ..

Designation

Proforma for Acknowledging the Receipt of the Nomination Forms by
the Head of Office/Audit Officer.

To

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination dated the/
cancellation dated the of the nomination made earlier in respect
of gratuity in Form I am to state that it has been duly placed
on record.

Place... ..

Signature of Head of Office/Audit Officer

Dated the... ..

(Designation)

Note :—The Government servant is advised that it would be in the interest of
his nominees if copies of the nominations and the related notices and
acknowledgements are kept in safe custody so that they may come into the
possession of the beneficiaries in the event of his death.

FORM 3

(See rule 54(12))

DETAILS OF FAMILY

Name of the Government servant

Designation.....

Date of birth.....

Date of appointment

Details of the members of my *family as on.....

Serial No.	Name of the members of 'family'*	Date of birth	Relationship with the officer	Initials of the Head of Office	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

I, hereby undertake to keep the above particulars up-to-date by modifying to the Audit Officer/Head of Office any addition or alteration.

Place... ..

Dated the... ..

Signature of the Government Servant.

*Family for this purpose means.

- (a) wife, in the case of a male Government servant ;
- (b) husband, in the case of a female Government servant ;
- (c) sons below eighteen years of age and unmarried daughters below twenty-one years of age, including such son or daughter adopted legally before retirement.

Note.— wife and husband shall include respectively judicially separated wife and husband.

FORM 4.

[See rule 55(7)]

NOMINATION FOR NON-CONTRIBUTORY FAMILY PENSION

I,..... hereby nominate the persons mentioned below, who are members of my family to receive in the order shown below the non-contributory family pension which may be granted by the State Government in the event of my death after completion of ten years of qualifying service.

Name and address of nominee	Relationship with Government servant	Age	Whether married or unmarried.

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.

Note.—The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this..... day of..... 197 at.....

Witness to signature.

1. Signature of Government servant;

2. Designation.

(To be filled in by the Head of Office/Audit Officer).

Nomination by..... Signature of the Head of Office/Audit Officer.

Office..... Dated..... Designation.....

Proforma for Acknowledging the Receipt of the Nomination Forms by the Head of Office/Audit Officer.

To

Sir,

In acknowledging the receipt of your nomination dated the...../ cancellation dated the... of the nomination made earlier in respect of non-contributory family pension in FormI am to state that it has been duly placed on record.

Place.....

Dated the.....

Signature of Head of Office/Audit Officer.

Designation.

FORM 3

Particulars to be obtained by the Head of Office from the retiring Government servant before eight months of the date of his retirement.

1. Name of the Government servant
2. Date of birth/retirement
3. "Two specimen signatures duly attested (to be furnished in a separate sheet)
4. %Three copies of passport size %% joint photographs of the Government servant with his/her wife/husband
5. Two slips showing the particulars of height and personal identification marks duly attested
6. Present address
7. @Address after retirement
8. Name of the Treasury/Public sector Bank Branch through which the Government servant wants to draw his pension
9. @@Details of the Family in Form 3

Place

Date

Signature

Designation

Department/Office

* Two slips each bearing the left thumb and fingers impressions duly attested, may be furnished by a person who is not literate enough to sign his name.

If such a Government servant on account of physical disability is unable to give left hand thumb and finger impressions, he may give the thumb and finger impressions of the right hand. Where a Government servant has lost both the hands, he may give his toe impressions. Impression should be duly attested.

% Only two copies of passport size photographs of self need be furnished.

(i) if the Government servant is governed by rule 34 of the C. C. S. (Pension) Rules, 1972, as adopted by this State and is unmarried or a widower or widow,

(ii) if the Government servant is governed by rule 55 of the C. C. S. (pension) Rules, 1972, as adopted in this state.

%% Where it is not possible for a Government servant to submit a photograph with his wife/his husband, he/she may submit separate photographs. The photographs shall be attested by the Head of Office.

@ Any subsequent change of address should be notified to the Head of Office/Audit Officer.

@@ Applicable only where rule 54 of the CCS (pension) Rules as adopted in this state applies to the Government servant.

FORM 6

[See rule 60(1), 63(3), 69 and 73(7)]

FORM OF ORDER INTIMATING REDUCTION OR NON-REDUCTION
IN THE AMOUNT OF PENSION

1. Name of the Government servant.
2. Father's name (and also husband's name
in case of female Government servant).
3. Present or last appointment including name of establishment—
 - (i) Substantive
 - (ii) Officiating, if any.
4. Orders of the authority concerned in terms of Rule 6 of the CCS
(Pension) Rules, as adopted in this State.

The undersigned having satisfied himself that the service of Shri/
Shrimati/Kumari ... has been satisfactory, hereby orders
that no reduction in the amount of pension/death-cum-retirement gratuity,
which may be determined under the CCS (Pension) Rules, 1972, as adopted
in this State, shall be made.

Signature and
Designation of
*Appointing Authority

Authority to whom power
has been delegated under
sub-rule (2) of Rule 6 of the
CCS (Pension) Rules, 1972.

*Delete whichever is not
applicable.

OR

The undersigned having satisfied himself that the service of Shri/
Shrimati/Kumari... has not been satisfactory, hereby
orders that the full pension or gratuity or both which may be determined
under the Central Civil Services (Pension) Rules, 1972, as adopted in this
State, shall be reduced by specified amount or percentage indicated below :—

Amount of reduction in the pension—

Amount of reduction in the gratuity—

Signature and
Designation of the
Appointing Authority.

FORM 7

[See rule 62, 63(4), 66(1), 68, 69(2) and (3), 71(1) and 73(1) and (7)]

FORM FOR ASSESSING PENSION AND GRATUITY

(To be sent in duplicate if payment is desired in a different circle of audit)

Part—I.

1. Name of the Government servant.
2. Father's name (and also husband's name in the case of a female Government servant).
3. Date of birth (by Christian era).
4. Religion and Nationality.
5. Permanent residential address showing village/town, district and State.
6. Present or last appointment including name of establishment :
 - (i) Substantive.....
 - (ii) Officiating, if any.....
7. Date of beginning of service.
8. Date of ending of service.
9. (i) Total period of military service for which pension/gratuity was sanctioned.
 (ii) Amount and nature of any pension/gratuity received for the military service.
10. Amount and nature of any pension/gratuity received for previous civil service.
11. Government under which service has been rendered in order of employment.
12. Interruption and non-qualifying service.
13. Length of qualifying service.
14. Class of pension or service gratuity applied for by the Government Servant and cause of application.
 (In case of invalid pension, medical certificate to be attached)
15. Whether the Government servant is a pre-1938 entrant and Chapter VI of the Central Civil Services) Pension Rules, 1972, as adopted in this state, applies to him.
16. Emoluments reckoning for gratuity.

Y.M.D.

17. Average emoluments reckoning for pension.
18. Date on which Government servant applied for pension in Form 5,
19. Proposed pension.
20. Proposed death-cum-retirement gratuity.
21. Proposed service gratuity, if any.
22. Date from which pension is to commence.
23. Proposed amount of the provisional pension if departmental or judicial proceeding is instituted against the Government servant before retirement.
24. Whether nomination made for
- Death-cum-retirement gratuity.
 - Non-contributory family pension, if applicable.
25. Whether the Government servant has paid all the Government dues.
26. Whether contributory family pension applies to the Government servant, and if so ;
- emoluments reckoning for contributory family pension,
 - the amount of contribution to be recovered out of the gratuity.
 - the amount of the contributory family pension becoming payable to the wife/husband of the Government servant in the event of his/her death after retirement,
 - Complete and up-to-date details of family as given in Form 3 :—

Serial No.	Name of the members of family,	Date of birth	Relationship with the Government servant.
1	2	3	4
1.			
2.			
3.			
4.			
5.			

27. Height.
28. Identification marks.
29. Place of payment of pension/gratuity
(Treasury or Sub-Treasury)
30. Head of Account to which pension and gratuity are debitable.

Place

Dated the

Signature of Head of Office/

Audit Officer.

Section I

*Emoluments Drawn during the Last Three Years of Service

Post held From to Pay Personal/Special Pay

Average emoluments :

Section II

Details of non-qualifying service

From To

1. Interruption(s)
2. Extraordinary leave not qualifying for pension.
3. Period of suspension not treated as qualifying.
4. Any other service not treated as qualifying

Total :

Section III

Period of service not verified with reference to acquittance rolls.

Whether the above period has been verified in accordance with the provisions of rule 67 of the Central Civil Service (Pension) Rules, 1972, as adopted in this State.

Section IV

(To be used by the Head of Office in the case of non-gazetted Government servant referred to in Rule 66)

Details of provisional pension and gratuity to be drawn and disbursed by the Head of Office in accordance with the provisions of Rule 71.

Provisional Pension Rs. ... p. m.

Gratuity (three-fourth of the gratuity)
mentioned against item 20 of Part I. Rs.

Less

- | | |
|---|---------|
| (a) Contribution towards contributory family pension, if applicable [See item 26 (ii) of Part I] | Rs. ... |
| (b) Government dues which have been ascertained and assessed | Rs. ... |
| (c) Amount of gratuity held over for adjustment of Government dues which have not been assessed so far. | Rs. ... |
| (d) Total of (a), (b) and (c) | Rs. ... |
| Net amount of gratuity payable provisionally | Rs. ... |

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Part III
Section—I

Audit on placement

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity, with reasons for dis-allowance, if any.

NOTE.—Service for the period connecting from ... and up to the date of retirement has not yet been verified; this should be done before the Pension Payment Order is issued.

2. Amount of superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity, that has been admitted.
3. Amount of superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity, admissible after taking into account reduction, if any, in pension and gratuity made by the pension sanctioning authority.
4. Total period of qualifying service which has been approved for the grant of additional pension.
5. The amount of additional pension, if any, that has been admitted.
6. The date from which additional pension is admissible.
7. The date from which superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity is admissible.
8. Head of Account to which superannuation/retiring/invalid/compensation/compulsory retirement pension and additional pension/gratuity is chargeable.
9. The amount of contributory family pension becoming payable to the entitled members of the family in the event of death of the Government servant after retirement.

Accounts Officer

Assistant Accountant
General.

Section II

1. Name of the Government servant.
2. Date of submission of Form 5 by the Government servant.
3. Class of pension or gratuity.
4. Pension sanctioning authority.
5. Amount of pension sanctioned.
6. Amount of gratuity sanctioned.
7. Date of commencement of pension.
8. Date of sanction.

9. Amount of contributory family pension admissible in the event of the death of the Government servant after retirement.
10. Amount recoverable from gratuity under sub-rule (4) of rule 50 of the Central Civil Services (Pension) Rules, 1972.
11. The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Government dues.

PART IV

Instructions

1. Average emoluments : The calculation of average emoluments mentioned in item 17 of part I should be based on the actual number of days contained in each month.
2. Compensation pension or gratuity :
 - (a) If the application is for a compensation pension or gratuity the particulars of the savings effected should be fully stated against item 14 of Part I of this Form.
 - (b) State why employment was not found elsewhere.
3. Details of Service :
 - (a) Give date, month and year of the various appointment : 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.
4. Identification marks : Specify a few conspicuous marks, not less than two, if possible.
5. Name - When initials or name of the Government Servant are or is incorrectly given in the various records consulted, mention the fact in the letter forwarding the pension papers.
6. Date of retirement ; Date of retirement to be indicated in the service book and the Last Pay Certificate, if any.
7. Reinstatement ; In the case of a Government Servant who has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service, brief statement leading to his reinstatement should be appended.
8. Alterations : Alterations to be made in red ink under dated initials of a gazetted Government Servant.

FORM 8

[See rule 69(2)]

Form of Letter to the Audit Officer forwarding the Pension
Papers of a Government servant

No.

Government of Tripura

Department/Office of

Dated the... ..

To

The Accountant General/Pay and Accounts Officer,

... ..

... ..

Subject : Pension papers of Shri/Shrimati
for authorisation of pension.

Sir,

I am directed to forward herewith the pension papers (as detailed in the
list of enclosures) of Shri/Shrimati... .. of
this Office/Department for further necessary action.

2. The receipt of this letter may be acknowledged.

Yours faithfully,

Head of Office.

List of enclosures

1. Form 6 containing the orders of the pension sanctioning authority and Form 7 with details of service, etc.
2. Medical certificate for invalidation of the claim (if the claim is for invalid pension).
3. Service Book.
4. Memorandum of average emoluments reckoning for pension.
5. Last Pay Certificate.
- 6.(a) Two specimen signatures, duly attested by gazetted Government servant or in the case of pensioner not literate enough to sign his

FORM 8.—Contd.

name, two slips bearing the left-hand thumb and finger impressions, duly attested by a gazetted Government servant, and

(b) Three copies of the passport size photographs containing the wife and husband either jointly or separately, duly attested by the Head of Office.

(c) Two slips showing the particulars of height and identification marks, duly attested.

**7. Application for pension in Form 5.

8. Explanation for delay, if any, beyond one month from the date of retirement of the Government servant in forwarding Form 6 and 7.

9. When the fact of service in another office is not satisfactorily attested in the service book, duly certified abstract from the Head of Office.

10. Written statement, if any, of the Government servant as required by rule 67 of the Central Civil Services (Pension) Rules, 1972, as adopted in this state, duly admitted by the pension sanctioning authority.

** If a Government servant is compulsorily retired the sanctioning authority may perused the pension papers to the Audit Officer even in the absence of an application in Form 5.

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FORM 9
[See rule 76(1)]
FORM OF SURETY BOND

In consideration of the Governor of Tripura (herein after called the 'Government') which expression shall include his successors and assigns) having agreed to settle the final accounts of Shri/Shrimati... .. without production of a "No Demand Certificate" from the Estate Officer, P. W. Department, I hereby stand surety (which expression shall include my heirs, executors and administrators) for payment by the said... .. of rent and other dues in respect of residence now allotted to him/her by the Government and also for any residence that may be allotted or that was allotted to the said... .. from time to time by the Government. I, the surety, further agree and undertake to indemnify the Government against all loss and damage until delivery of vacant possession of the above said residence is made over to the Government.

I hereby also stand surety for any amounts that may be due by the said... .. to the Government by way of overpayment of pay, allowances, leave salary, advances for conveyance, house building or other purposes, or any other dues.

The obligation under taken by me shall not be discharged or in any way affected by an extension of time on any other indulgence granted by the Government to the said... ..

This guarantee shall remain in force till,

- (i) the "No Demand Certificate" is issued by the Estate Officer, P. W. Department in favour of the said... ..
- (ii) the Head of Office in which the said... .. was last employed, and in case he/she was drawing pay and allowances on gazetted Government servants bill forms the concerned Audit Officer, has certified that nothing is now due to the Government from the said... ..

The stamp duty on this instrument shall be borne by the Government.

Signed and deliver by the said surety

at... .. this... ..

day of in the

Signature of the surety

presence of :

1. Signature...

Address and occupation of witness...

2. Signature...

Address and occupation of witness...

"Certified that Shri/Shrimati... ..

is a permanent Government servant and that he/she shall not attain the age of superannuation within two years from the date he/she stands surety".

Signature of the Head of the Department or Head of Office in which surety is employed.

This bond is hereby accepted.

Signature and designation for and on behalf of the Governor of Tripura.

FORM 10

[See rule 77 (3) and 79 (2)]

Form of Letter to the Member or Members of the Family of a deceased Government servant where valid nomination for the Grant of Death-Cum-Retirement Gratuity exists.

No.... ..
 Government of Tripura
 Department of... ..
 Dated the... ..

To

... ..

Subject : Payment of death-cum-retirement gratuity in respect of the late
 Shri/Shrimati... ..

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati... .. (Designation in the Office/Department Ministry of, a death-cum-retirement gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 12.
3. Should any contingency had happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,

Head of Office/Audit Officer.

FORM II

[See rule 77 (3) and 79 (2)]

Form of Letter to the Member or Members of the Family of a Deceased Government Servant where valid nomination for the Grant of Death-cum-Retirement Gratuity does not exist.

No.

Government of Tripura

Department of... ..

Dated the... ..

To

Subject : Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati

Sir/Madam,

I am directed to say that in terms of rule 50 of the Central Civil Services (Pension) Rules 1972, as adopted in this state, a death-cum-retirement gratuity is payable to the following members of the family of Shri/Shrimati
(Designation, in the Office/Department of... ..
in equal shares.

(i) Wife/husband

(ii) Sons

(iii) Unmarried daughters

including step children and
adopted children.

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares :

(i) Widowed daughters, including step daughters and adopted daughters.

(ii) father including adopted parents in case of individuals whose personal law permits adoption.

(iii) mother

(iv) brothers below the age of eighteen years and unmarried widowed sisters including step brothers and step sisters.

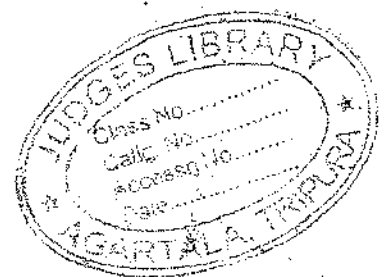
(v) married daughters, and

(vi) children of a pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 12 as soon as possible.

Yours faithfully,

Head of Office/Audit Officer.



FORM 12

See rule 77 (3) and 79 (2)

Form of application for the grant of death-cum-retirement gratuity on the death of a Government servant.

(To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian in his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf)

1. (i) Name of the claimant in case he is not minor.
(ii) Date of birth of the claimant.
2. (i) Name of the guardian in case the claimant are minors.
(ii) Date of birth of the guardian.
3. (i) Name of the deceased Government servant in respect of whom gratuity is being claimed.
(ii) Date of death of Government servant.
(iii) Office/Department in which the deceased served last.
4. Relationship of the claimant/guardian with the deceased Government servant.
5. Full Postal Address of the claimant/guardian.
6. (i) Where gratuity is claimed by the guardian on behalf of minors, the names of the minors, their ages, relationship with the Government servant, etc. :—

Serial No.	Name	Age	Relation with the deceased Government servant	Postal address
1.				
2.				
3.				
4.				

(ii) Relationship of the guardian with minor.

7. Name of the Treasury or Sub-Treasury at which payment is desired,

Signature/Thumb impression
of the claimant/guardian.

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8. Two specimen signatures or left hand thumb and finger impressions of the claimant/guardian duly attested.

(To be furnished in a separate sheet)

9. Attested by

Name	Full address	Signature
------	--------------	-----------

(i)
-----	-----	-----

(ii)
------	-----	-----

10. Witnesses :

(i)
-----	-----	-----

(ii)
------	-----	-----

FORM 13

[See rule 77 (4) and 79 (3)]

Form of Letter to the widow/Widower of a Deceased Government servant
for grant of Contributory Family Pension.

No.

Government of Tripura

Department of

Dated the

To

Subject :—Payment of contributory family pension in respect of late
Shri/Shrimati

Sir/Madam,

I am directed to say that in terms of rule 54 of the Central Civil Services
(Pension) Rules, 1972, as adopted in this State, a contributory family
pension is payable to you as widow/widower of the late Shri/Shrimati
... (Designation) in the
Office/Department of

2. You are advised that a claim for the grant of contributory family
pension may be submitted in the enclosed Form 14.

3. The contributory family pension will be payable till your death or
re-marriage whichever event occurs earlier. In the event of your death or
re-marriage, the contributory family pension shall be granted to the child or
children, if any, through the guardian.

Yours faithfully,

Head of Office/Audit Officer.

FORM 14

(See rules, 77(4), 79(3) and 81 (2))

Form of application for the grant of Contributory Family Pension on the Death of a Government servant/pensioner.

1. Name of the applicant
 - (i) Widow/Widower,
 - (ii) Guardian if the deceased person is survived by child or children.
2. Name and age of surviving widow/
Widower and children of the deceased
Government servant/pensioner.

Serial No.	Name	Relationship with the deceased person	Date of birth by Christian era
1.			
2.			
3.			
4.			
5.			
6.			

3. Date of death of the Government servant/pensioner.
4. Office/Department in which the deceased Government servant/pensioner served last.
5. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner.
- 5-A. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife.
6. Full address of the applicant.
7. Name of the Treasury/Sub-Treasury at which payment is desired.

8. Enclosures :

- (i) Two specimen signatures of the applicant, duly attested (To be furnished in two separate sheets).
- (ii) Two copies of passport size photograph of the applicant, duly attested.
- (iii) Two slips each bearing left-hand thumb and finger impressions of the applicant, duly attested. (in case the applicant is illiterate).
- (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face etc. (To be furnished in duplicate).
- (v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Local Panchayat or from the head of a recognised school if the child is studying in such school. (This information should be furnished in respect of such child or children the particulars of whose date of birth are not available with the Audit Officers/Head of Office).

9. Signature or left-hand thumb impression of the applicant.

10. Attested by—

Name	Full address	Signature
(i)
(ii)

NOTE.—Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

FORM 15

[See rule 77(5) and 79(4)]

Form of letter to the member of the family of a deceased Government servant whose valid nomination for the grant of non-contributory family pension exists.

No...

Government of Tripura

Department of

Dated the... ..

To

... ..
... ..
... ..

Subject : Payment of non-contributory family pension in respect of the late Shri/Shrimati... ..

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati... .. (Designation)... .. in the Office/Department of... .. a non-contributory family pension is payable to you as his/her nominee.

2. I am accordingly to suggest that a claim for the grant of non-contributory family pension may be submitted by you in enclosed Form 17.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, precis details of the contingency may kindly be stated.

Yours faithfully,

Head of Office/Audit Officer.

FORM 16

[See rule 77 (5) and 79 (4)]

Form of letter to the member of the family of a deceased Government servant where valid nomination for the Grant of non-contributory Family Pension does not exist.

No.... ..

Government of Tripura

Department of... ..

Dated the... ..

To

Subject : Payment of non contributory family pension in respect of the late
Shri/Shrimati

Sir/Madam,

I am directed to state that in terms of rule 55 of the Central Civil Services (Pension) Rules, 1972, as adopted in this state, a non-contributory family pension is payable to the family of the late Shri/Shrimati...
... (Designation) ... in the Office/
Department of ... as follows :

- (a) (i) to the eldest surviving widow or to the husband ;
(ii) failing a widow/husband, to the eldest surviving son ;
(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter ; and
(iv) these failing, to the eldest surviving widowed daughter ; and
- (b) if there are no surviving members of the family as at clause (a) above:
 - (i) to the father ;
 - (ii) failing the father, to the mother ;
 - (iii) failing the father and mother, to the eldest surviving brother below eighteen years of age ;
 - (iv) failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister ;
 - (v) failing the above, to the eldest surviving widowed sister.
- (c). No non-contributory family pension is payable to a person mentioned in clause (b) above without production of reasonable proof that such person was dependent on the deceased for support.

2. I am to suggest that a claim for the non-contributory family pension may be submitted in the enclosed Form 17, as soon as possible. If you have a prior claim to it in accordance with the gradation given above, you are requested to furnish an affidavit to the effect that there is no other surviving member of the family of Shri/Shrimati ... ranking above you in the order given in the first paragraph. If, in the light of the above gradation, you have no prior claim to the non-contributory family pension, you are requested to intimate this Office/Department the name, address and relationship with the deceased, of the person who according to your knowledge has a prior claim to the non-contributory family pension. Any false information given or declaration with made by you in this connection will render you liable to legal action.

Yours faithfully,

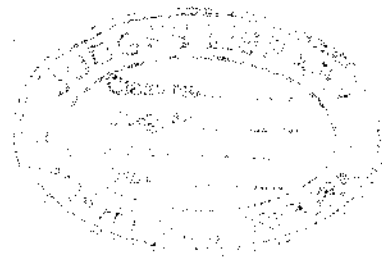
Head of Office /Audit Officer.

FORM 17

[See rule 77 (5), 79 (4) and 81 (3)]

Form of application for the grant of non-contributory family pension on the death of a Government servant/Pensioner.

1. Name of the applicant.
 2. (i) Name of the guardian in case the applicant is a minor.
(ii) Relationship of the guardian with the applicant.
 3. Name of the deceased Government servant/pensioner.
 4. Relationship of the applicant with the deceased Government servant/pensioner.
 5. Date of death of the Government servant/pensioner.
 6. Office/Department in which the deceased served last.
 7. (i) Date of birth of the applicant.
(ii) Date of birth of the guardian in case the applicant is a minor.
 8. Full address of the applicant/guardian.
 9. Name of the Treasury/Sub-Treasury at which payment is desired.
 10. Enclosures :
 - (i) Two specimen signatures of the applicant, duly attested (To be furnished on two separate sheets)
 - (ii) Two copies of a passport size photograph of the applicant, duly attested.
 - *(iii) Two slides bearing left-hand thumb and finger impressions of the applicant, duly attested.
-
- *To be furnished in case the applicant is not literate enough to sign his name.
- (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc.
(To be furnished in duplicate)
 - (v) If the applicant belongs to a category mentioned at (b) of item 11, he/she should produce reasonable proof of his/her dependence on the deceased Government servant/pensioner for support.



- vi) If the applicant is a minor brother of the deceased Government servant/pensioner, certificate of age (in original with two attested copies) showing the date of birth should be furnished.
(The original will be returned to the applicant after necessary verification).
- vii) Affidavit (Please see paragraph 2 of Form 16).
11. Names and ages of surviving hindred of the deceased Government servant/pensioner :
- | Name | Date of birth by Christian era. |
|---|---------------------------------|
| a) Widow/husband. | |
| Sons. | |
| Unmarried daughters. | |
| Widowed daughters. | |
| b) Father | |
| Mother | |
| Brothers below the age of eighteen years. | |
| Unmarried sisters. | |
| Widowed sisters. | |

12. Signature or thumb impression of the applicant.

13. Attested by --

Name	Full address	Signature.
(i)
(ii)

14. Witnesses :

(i)
(ii)

NOTE 1 :— Attestation should be done by two gazetted Government servants or by two or more persons of respectability in the town, village or Pargana in which the applicant resides.

NOTE 2 :— If the applicant is a minor, the enclosures against item 10 (i) to (iv) are to be furnished by the guardian.

FORM 13

[See rule 77(6) and (7), 79(6) and (7) and 80(6)]

Form of assessing and sanctioning Family Pension and Death-cum-Retirement Gratuity when a Government servant dies while in service.

(To be sent in duplicate if the payment is desired in a different circle of audit)

PART I

1. Name of the deceased Government servant.
2. Father's name (and also husband's name in the case of a female Government servant).
3. Date of birth (by Christian era).
4. Date of death (by Christian era).
5. Religion and Nationality.
6. Office/Department in which last employed.
7. Appointment held last :—
 - (i) Substantive.
 - (ii) Officiating.
8. Date of beginning of service.
9. Date of ending of service.
10. (i) Total period of military service for which pension/gratuity was sanctioned.
- (ii) Amount and nature of any pension/gratuity received for the military service.
11. Amount and nature of any pension received for previous civil service, if any.
12. Government under which service has been rendered in order of employment.
13. Interruption and non-qualifying service.
14. Length of qualifying service.
15. Whether the deceased Government servant was a pre-1938 entrant and Chapter VI of the Civil Services (Pension) Rules, 1972, as adopted in this State, applied to him.
16. Emoluments reckoning for gratuity.
17. Proposed death-cum-retirement gratuity.
18. Whether nomination made for :
 - (i) Death-cum-retirement gratuity.
 - (ii) Non-contributory family pension, if applicable.

Y. M. D.

19. If non-contributory family pension applies and the Government servant had rendered more than ten years qualifying service :

(i) "Average emoluments" for pension, if the Government servant had retired on the date following the date of his death.

(ii) Proposed pension.

(iii) Proposed non-contributory family pension.

(iv) Period of tenability of non-contributory family pension

From To

20. If contributory family pension applies :

(i) Proposed contributory family pension.

(ii) Period of tenability of contributory family pension

From To

(iii) The amount of contribution to be recovered out of the gratuity.

21. Persons to whom family pension (contributory or non-contributory) is payable :

Name :

Relationship with the deceased Government servant.

Full postal address.

22. Persons to whom death-cum-retirement gratuity is payable.

Serial No.	Name	Amount of the share of the death-cum-retirement gratuity	Relationship with the deceased	Full postal address
	(1)	(2)	(3)	(4)
1.				
2.				
3.				
4.				
5.				
6.				

23. Name of the guardian who will receive payment of family pension and death-cum-retirement gratuity in the case of minor(s).
24. Government dues, if any, outstanding against the deceased Government servant.
25. Head of account to which family pension and death-cum-retirement gratuity are debitable.
26. Name of the Treasury/Sub-Treasury where the payment of family pension and death-cum-retirement gratuity is desired.

Place.....

Signature of the Head of Office/
Audit Officer.

Dated the.....

PART II

Section I

(To be filled in, if non-contributory family pension is admissible)

*Emoluments drawn during the last three years.

Post held	From	To	Pay	Personal/Special Pay
Average emoluments :				

*In a case where the last three years include some period not to be reckoned for calculating average emolument an equal period backward has to be taken for calculating the average emoluments.

Section II

Details of non-qualifying service.

1. Interruption(s)
2. Extraordinary leave not qualifying for pension.
3. Period of suspension not treated as qualifying.
4. Any other service not treated as qualifying.

Total :

Section : III

Period of service not 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 67 of the Central Civil Services (Pension) Rules, 1972, as adopted in this State.

PART III-A.

(To be used by the Head of Office in the case of non-gazetted Government servants referred to in Rule 79)

Details of provisional family pension and gratuity to be drawn and disbursed by the Head of Office in accordance with Rule 79(7).

Provisional family pension	Rs.....p.m.
Gratuity (three-fourth of gratuity mentioned in item 17 of Part I)	Rs.....
Less	
(a) Contribution towards contributory family pension mentioned in item 20 (iii) of Part I	Rs.....
(b) Government dues which have been ascertained and assessed.	Rs.....
(c) Amount of gratuity held over for adjustment of Government dues which have been assessed so far.	Rs.....
(d) Total of (a), (b) and (c)	Rs.....
Net amount of gratuity payable provisionally.	Rs.....

PART IV

Section I.

Audit Encasement

1. Total period of qualifying service which has been accepted for :

- (i) Death-cum-retirement gratuity.
- (ii) Family Pension (contributory or non-contributory).

NOTE—Service for the period commencing from... ..and upto the date of death has not yet been verified ; this should be done before pension payment order is issued.

- 2. Omitted.
- 3. Net amount of death-cum-retirement gratuity after adjusting the Government dues.
- 4. Amount of contributory 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 and the period for which it is tenable.
- 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

Asstt. 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. Omitted.
5. Amount of family pension authorised.
6. Amount of gratuity authorised.
7. Date from which the payment of family pension and gratuity will commence.
8. Amount recoverable from gratuity.
9. The amount of gratuity held over for adjustment of unassessed Government dues.

PART V

Instructions.

1. Average emoluments : The calculation of average emoluments mentioned in item 19 of part I of this Form should be based on the actual number of days contained in each month.
2. Details 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 servants are or is incorrectly given in the various records consulted, mention the fact in the latter 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.
- Alterations : Alterations to be made in red ink under dated initials of a gazetted Government servant.

FORM 19
[See rule 79(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.

No... ..

Government of Tripura

Department/Office... ..

Dated the... ..

To

The Accountant General/Pay and Accounts Officer,

... ..
... ..

Subject :—Grant of family pension and death-cum-retirement gratuity.

Sir,

I am directed to say that Shri/Shrimati

... .. (Designation)... .. died on

His/Her 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 this 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 signatures or left-hand thumb and finger impressions of the beneficiary, duly attested.
2. Two attested copies of a passport size Photograph of the beneficiary.
3. Descriptive Roll of the beneficiary, duly attested.

FORM 20
[See rule 81 (2)]

Form of Letter sanctioning Contributory Family Pension to the Child or Children of a retired Government servant who dies after retirement but does not leave behind a widow/widower.

No.
Government of Tripura
Department office of...
Dated the... ..

To
The Accountant General/Pay and Accounts Officer,
.....

Subject : Grant of family pension to the child/children.

Sir,

I am directed to say that Shri/Shrimati
... .. formerly
... .. (Designation) in the Department/Office of
... .. was sanctioned pension of Rs. with
effect from... .. on his retirement from service.

2. Intimation has been received in this Department/Office that Shri/
Shrimati... .. died on... ..
and that at the time of death left no widow/widower but was survived by the
following children.

* The names of children should be mentioned in the order of eligibility mentioned in rule 54 of the Central Civil Services (Pension) Rules, 1972 as adopted in this state. Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally before retirement should only be included.

Serial No.	Name	Son/daughter	Date of birth in Christian era.	Date from which family pension ceases to be payable.
1.				
2.				
3.				
4.				
5.				
6.				

3. In terms of rule 54 of the Central Civil Services (Pension) Rules, 1972, as adopted in this state, the amount of contributory 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 Shri/Shrimati... .. 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 contributory family pension will take effect from... .. and subject to the provisions of sub-rule (6) of rule 54 of the Central Civil Services (Pension) Rules, 1972, will be tenable till

5. The contributory family pension 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 instructions for the payment of contributory family pension to the guardian have been issued to the Treasury Officer concerned.

Yours faithfully,

Head of Office.

LIST

1. Permanent address of the guardian.
2. Place of payment (Government Treasury or Sub-Treasury).

Enclosures

3. Specimen signatures or 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.

FORM 21
[See rule 81 (2)]

Form of Letter sanctioning Family Pension to the Child or Children in the death or Re-marriage of a widow/widower who was in receipt of Contributory Family Pension.

No.
Government of Tripura
Department/Office of...
Dated the... ..

To

The Accountant General/Pay & Accounts Officer,

Subject : Grant of family pension to the child/children.

Sir,

I am directed to say that Shrimati/Shri ...
... widow/widower of late Shri/Shrimati ...
... formerly...
(Designation)

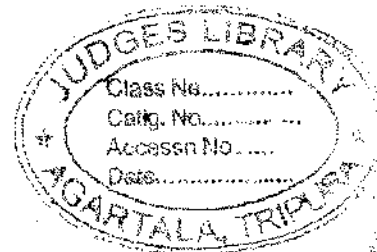
in this Department/Office was sanctioned contributory family pension of Rs. ... with effect from the ... The contributory family pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Department/Office that Shri/Shrimati... died/re-married on...

3. At the time of death/re-marriage Shri/Shrimati... had following children—*

Serial No.	Name	Son/ daughter	Date of birth on Christian era	Date from which family pension ceases to be payable
1.				
2.				
3.				
4.				
5.				
6.				

4. In terms of rule 54 of the Central Civil Services (Pension) Rules, 1972, as adopted in this state, the amount of contributory family pension has become payable to the children in the order mentioned above. The contributory family pension will be payable on behalf of the minor to Shri/Shrimati ... 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 54 of the Central Civil Services (Pension) Rules, 1972 will be tenable till

6. The contributory family pension 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 instructions for the payment of contributory family pension to the guardian have been issued to the Treasury Officer concerned.

Yours faithfully,
(Head of Office)

LIST

1. Permanent address of the guardian.
2. Place of payment (Government Treasury or Sub-Treasury)

ENCLOSERS

3. Specimen signatures or 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.

* The names of children should be mentioned in the order of eligibility mentioned in rule 59 of the Central Civil Services (Pension) Rules 1972 as adopted in this State. Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally before retirement should only be included.

FORM 22

[See rule 81 (4)]

Form of application for the grant of Residuary Gratuity on the death of a pensioner.

(To be filled in 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 the deceased pensioner.
8. Amount of death-cum-retirement gratuity received by the deceased pensioner.
9. The amount of pension (including ad hoc increase, if any) drawn by the deceased till the date of death.
10. If the deceased commuted a portion of pension before his death, the commuted value of the pension.
11. Total of items 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/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

Name	Full address	Signature.
(i) —		
(ii) —		
20. Witnesses :

(i) —
(ii) —

FORM 23

[See rule 38(3)]

FORM OF MEDICAL CERTIFICATE

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

Note—If the incapacity is the result of irregular or intemperate habits,
 the following will be substituted for the sentence :—

“In *my/our opinion on his incapacity is directly due to the irregular
 or intemperate habits/has been accelerated or aggravated by the irregular or
 intemperate habits.”

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

“I am/we are of opinion that AB is fit for further service of a less labo-
 rious character than that which he had been doing/may, after resting for...
 ...months, be fit for further service of less laborious character
 than that which he had been doing.”

*Strike out whichever is not applicable

FORM 24

(See rule 32)

Form of Certificate of verification of service for pension.

No.

Government of Tripura

Department of

Dated

MEMORANDUM

It is certified, in consultation with the Audit Officer, that Shri... ..
 has completed a qualifying service
 (Name and designation)
 of years months days as on
 as per details given below. The service has been verified
 (date)
 on the basis of his service documents and in accordance with the rules regard-
 ing qualifying service in force at present.

The verification done under sub-rules (1) and (2) shall be treated as final
 and shall not be re-opened except when necessitated by a subsequent change
 in the rules and orders governing the conditions under which the service
 qualifies for pension.

DETAILS OF QUALIFYING SERVICE

From To

- 1.
- 2.
- 3.

Signature of Audit Officer/
 Head of Office.

To

Shri.....

(Name and designation)

* To be retained in the case of a non-gazetted Government servant.

Dated, Agartala, the 28th December, 1983

NOTIFICATION

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India the Governor is pleased to make the following rules to incorporate the "Scheme for Voluntary Retirement of the State Government Employees" which was separately notified under this Department Memorandum of even number dated 6.3.1980 in and to amend, the Central Civil Services (Pension) Rules, 1972, as adopted by the State Government :-

1. (1) These rules may be called the "Central Civil Service (Pension) (Amendment) Rules, 1983".
(2) They shall come into force from the date of issue.
2. In the Central Civil Service (Pension) Rules, 1972 (as adopted by the State Government) -
(a) The Scheme for Voluntary Retirement of the State Government Employees as contained in this Department Memorandum of even number dated 6.3.1980, shall be incorporated as rule 43-A: Retirement on completion of 20 years qualifying service below rule-43 with the following modification:

For clause (viii) of existing Scheme for voluntary Retirement of the State Government Employees the following shall be substituted :-

- (viii) (a) The qualifying service as on the date of intended retirement of the Government servant retiring under rule 43(1)(a) or rule 43-A of this rule or clause (k) of rule 56 of the Fundamental Rules, or clause (1) of Article 459 of the Civil Service Regulations, with or without permission, shall be increased by a period

Contd-P/2.

(D. Debbarma)
Under Secretary to the
Tribunal

not have been the subject of the order that the total qualifying service rendered by the Government servant does not in any case exceed thirty three years and it does not take him beyond the date of superannuation.

(1) The weightage of five years under clause (a) above shall not be admissible in cases of those Government servant who are prematurely retired by the Government in the public interest under rule 48(a)(b) or FR 56(j).

(A complete version of Rule 48-A incorporating the above modification in the original scheme is enclosed).

(2) In rule 29, in sub-rule (2) for the words "six months" the words "three months" shall be substituted.

Sd/- S. P. Ganguly
28/12/53
(S. P. Ganguly)
Commissioner and Secretary to
Government of Tripura.

To

1. All Departments/Honorary Secretaries/ Heads of Offices.
2. The Accountant General, Tripura, Agartala.

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42
(D. Debbarma)
Under Secretary to the
Government of Tripura

True Copy

(44-45)

No. F.8(5)-FIN(G)/73
GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT

Dated, Agartala, the 28th December, 1983

NOTIFICATION

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India the Governor is pleased to make the following rules to incorporate the "Scheme for Voluntary Retirement of the State Government Employees" which was separately notified under this Department Memorandum of even number dated 6.3.1980 in and to amend, the Central Civil Services (Pension) Rules, 1972, as adopted by the State Government: -

1. (1) These rules may be called the "Central Civil Service (Pension) (Amendment) Rules, 1983",
(2) They shall come into force from the date of issue.

2. In the Central Civil Service (Pension) Rules, 1972 (as adopted by the State Government) -

(1) The Scheme for Voluntary Retirement of the State Government Employees as contained in this Department Memorandum of even number dated 6.3.1980, shall be incorporated as rule 48-A: Retirement on completion of 20 years qualifying Service. below rule-48 with the following modification;

For Clause (viii) of existing scheme for Voluntary Retirement of the State Government Employees the following shall be substituted: -

"(viii) (a) The qualifying service as on the date of intended retirement of the Government servant retiring under Rule 48(1)(a) or rule 48-A of this Rule or clause (k) of rule 56 of the Fundamental Rules, or clause (i) of Article 459 of the Civil Service Regulation, with or without permission, shall be increased a period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed thirty three years and it does not take him beyond the date of superannuation.

(b) The weightage of five years under clause (a) above shall not be admissible in cases of these Government Servant who are prematurely retired by the Government in the public interest under Rule 48(1) (b) or F.R.56(j).

(2) In Rule 49, in sub-rule, (3) for the words "six months" the words "three months" shall be substituted.

(S.P. Ganguly)
Commissioner-cum-Secretary to the
Government of Tripura

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT.

No.F. 8(1)-FIN(G)/2014

Dated, Agartala, the 12th November, 2014.

NOTIFICATION

Subject : Amendment of Central Civil Services (Pension) Rules, 1972 (as adopted in the State of Tripura).

In exercise of the powers conferred by the provision to Article 309 of the Constitution of India, the Governor of Tripura is pleased to make the following Rules to further amend the Central Civil Services (Pension) Rules, 1972 (as adopted in the State of Tripura) namely :

1) **Short title and commencement :**

- i) These Rules may be called the 'Central Civil Services (Pension) Rules, 1972 (First Amendment) Rules, 2014';
- ii) They shall be deemed to have come into force on and from 01-04-2012.

2) **Amendment of Rule 54(3)(a)(i) & 54(3)(a)(ii) :**

In the existing age of 65 years shall be substituted by 67 years.

3) **Amendment of Rule 54(11)(a)(i) & 54(11)(a)(ii) :**

In the existing five hundred rupees per mensem shall be substituted by thirty-eight thousand five hundred rupees per mensem.

4) **Amendment of Rule 54(11)(b) :**

In the existing two hundred rupees and fifty rupees per mensem shall be substituted by nineteen thousand two hundred and fifty rupees per mensem.

By Order of the Governor,

R. Debbarma

Joint Secretary to the
Government of Tripura.

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT.

No.F. 6(1)-FIN(PC)/2008

Dated, Agartala, the 7th November, 2014.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tripura is pleased to make the following Rules to further amend the Tripura State Civil Services (Revised Pay) Rules, 2009 (hereinafter referred to as the 'Principal Rules'), namely :

1) **Short title and commencement :**

- i) These Rules may be called the 'Tripura State Civil Services (Revised Pay) (Eleventh Amendment) Rules, 2014';
- ii) They shall come into force on and from the 1st day of January, 2006.

*Copy of Notification No. F. 21/1/2016-P&PW (F), dated 4.1.2019,
Ministry of Personnel, Public Grievances and Pensions (Depart-
ment of Pension and Pensioners' Welfare)*

Subject : Central Civil Services (Pension) Amendment Rules, 2018.

G.S.R. 12(E)—In exercise of the powers conferred by the proviso to Article 309 read with Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely :

1. Short Title and Commencement :-

- (1) These rules may be called the *Central Civil Services (Pension) Amendment Rules, 2018*.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972 :

(i) in Rule 38, for sub-rule (1) and sub-rule (2), the following sub-rules shall respectively be *substituted*, namely :

- “(1) The case of a Government servant acquiring a disability, where the provisions of Section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, shall be governed by the provisions of the said section: Provided that such employee shall produce a disability certificate from the Competent Authority as prescribed under the Rights of Persons with Disabilities Rules, 2017.

(Jan.-27)

- (2) If a Government servant, in a case where the provisions of Section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are not applicable, retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, he may be granted invalid pension in accordance with Rule 49:

Provided that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service before completing qualifying service of ten years, may also be granted invalid pension in accordance with sub-rule (2) of Rule 49 subject to the conditions that the Government servant.

- (a) has been examined by the appropriate medical authority either before his appointment or after his appointment to the Government service and declared fit by such medical authority for Government service; and
- (b) fulfils all other conditions mentioned in this rule for grant of invalid pension."

(ii) in Rule 49, for sub-rule (2), the following sub-rule shall be *substituted*, namely:

- "(2) Subject to the proviso to sub-rule (2) of Rule 38, in the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than ten years, the amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per mensem and maximum of one lakh twenty five thousand rupees per mensem."

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT

No.F 27(1)-GA(P&T) 18

Dated, Agartala, the 11th June, 2018.

MEMORANDUM

Subject: - Strengthening of Administration—Periodical review of service records under FR 56(j)/Rule 48 of CCS (Pension) Rules, 1972 as adopted by the Govt. of Tripura.

The undersigned is directed to say that there is need for periodical review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service in the public interest. The Provisions in this regard are contained in FR 56(j)/ Rule 48(1) (b) of CCS (Pension) Rules, 1972 (as adopted by the Government of Tripura in the Finance Department).

2. In pursuance of the Rules, the cases of the Government servants covered by FR 56(j) or Rule 48(1) (b) of CCS (pension) Rules, 1972, should be reviewed six months before he/ she attains the age of 50/55 years or on completion of 30 years of qualifying service as per the following time table:-

Sl. No.	Half-yearly review.	Cases of employees who will be attaining the age of 50/55 years or will be completing of 30 years of service qualifying for pension, as the case may be, in the half-year.
1.	January to June	July to December of the same year.
2.	July to December	January to June of the next year.

3. All Departments/ Heads of Department are requested to follow the above instructions and take necessary action towards periodical review of the cases of Government servants as mentioned above as required under FR 56(j) or Rule 48(1) (b) of the CCS (Pension) Rules, 1972.

(Santosh Das)

Additional Secretary to the Government of Tripura

To
All Departments/ Heads of Department.

Contd.--- P/2....

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT

No.F.27(1)-GA(P&T)/18 :

Dated, Agartala, the July, 2018.

MEMORANDUM

Subject :- Strengthening of administration – Periodical review of service records under FR 56(j) / Rule 48 of CCS (Pension) Rules, 1972 as adopted by the Govt. of Tripura

The undersigned is directed to refer to this Department Memorandum of even number dated 11th June, 2018 regarding periodical review of service records under Fundamental Rule 56 (j) or Rule 48 of CCS (Pension) Rules, 1972 as adopted by the Government of Tripura.

2. The Hon'ble Supreme Court of India has observed in *State of Gujarat Vs. Umedbhai M. Patel*, 2001 (3) SCC 314 as follows :-

- (i) Whenever, the services of public servants are no longer useful to the General Administration, the officer can be compulsorily retired for the sake of public interest.
- (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution of India.
- (iii) "For better administration, it is necessary to chop off dead wood but the order of compulsory retirement can be passed after having due regard to the entire service records of the officer."
- (iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (v) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vi) The order of compulsory retirement shall not be passed as a short-cut to avoid Departmental Enquiry when such course is more desirable.
- (vii) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure.

3. In every review, the entire service records should be considered. The expression "service record" will take in all relevant records and hence the review should not be confined to the consideration of the ACR dossier. The personal file of the officer may contain valuable material. Similarly, the work and performance of the officer could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Department puts together all the data available about the officers and prepares a comprehensive brief for consideration by the Review Committee. Even un-communicated remarks in the ACRs may be taken into consideration.

Contd...P/2..

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4. In the case of those officers who have been promoted during the last five years, the previous entries in the ACRs may be taken into account if the officer was promoted on the basis of seniority-cum-fitness, and not on the basis of merit.

5. As far as integrity is considered, the following observations of the Hon'ble Supreme Court may, while upholding compulsory retirement in a case, may be kept in view.

The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace in public service and injurious to public interest.

[S. Ramachandra Raju vs. State of Orissa – [(1994) 3 SCC 424]

Thus while considering integrity of an employee, actions or decisions taken by the employee which do not appear to be above board, complaints received against him or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may be taken into account. Judgement of the Apex Court in the case of Shri K. Kandaswamy, I.P.S. (TN : 1966) in K. Kandaswamy vs Union of India and Anr, 1996 AIR 277, 1995 SSC (6) 162 is relevant here. There were persistent reports of Shri Kandaswamy acquiring large assets and of his getting money from his subordinates. He also indulge in property transactions, which gave rise to suspicion about his bonafides. The Hon'ble Supreme Court upheld his compulsory retirement under provisions of the relevant Rules.

6. Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the Hon'ble Supreme Court in State of UP and others vs Vijay Kumar Jain, Appeal (Civil) 2083 of 2002.

If conduct of a Government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the Government has an absolute right to compulsorily retire such an employee in public interest.

7. In order to simplify and speed up the procedure of review, it is felt necessary to constitute a Review Committee. Accordingly, it has been decided that the Review Committee in the case of various level of employees will be as follows :-

(I) In case of officers holding Group – A posts :-

- | | |
|--|--------------------|
| (a) Chief Secretary | - Chairman |
| (b) One of the Senior most Principal Secretaries | - Member |
| (c) Secretary of the Department | - Member |
| (c) Secretary of Tribal Welfare | - Member |
| (d) Secretary, Sch. Castes Welfare | - Member |
| (e) Principal Secretary, G.A. (P&T) Department | - Member-Secretary |

Contd....P/3.....



(II) In case of officers holding Group – B (Gazetted) posts :-

- (a) Senior most Principal Secretary - Chairman
- (b) Secretary of the Department - Member
- (c) Secretary of Tribal Welfare - Member
- (d) Secretary of Sch. Castes Welfare - Member
- (e) Additional Secretary, GA (P&T) Department - Member-Secretary

(III) In case of officers holding Group – B & C [Non-Gazetted] posts :-

- (a) Secretary of the Department - Chairman
- (b) Director of Tribal Welfare - Member
- (c) Director of Sch. Castes Welfare - Member
- (d) Director/Additional Secretary/ Joint Secretary decided by the Secretary - Member
- (e) Nominee of GA (P&T) Department - Member

(IV) In case of Group – D posts :-

- (a) Additional Secretary / Joint Secretary / Director of the Department as the case may be. - Chairman
- (b) Additional Director / Joint Director / Deputy Director of the Department - Member
- (c) Additional Director / Joint Director of Tribal Welfare - Member
- (d) Additional Director / Joint Director of Sch. Castes Welfare - Member
- (e) Deputy Secretary or Under Secretary of the Department - Member

8. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, following procedure and guidelines have been prescribed for reviewing the cases of government employees covered under the aforesaid rules.

- (i) The cases of Government servants covered by FR 56(j) or Rule 48 (1)(b) of the CCS (Pensions) Rules, 1972, as adopted by the Govt. of Tripura should be reviewed six months before they attain the age of 50 / 55 years or complete 30 years of service / 30 years of qualifying service, whichever occurs earlier.

- (ii) Committee shall be constituted in each Department to which all such cases shall be recommendation as to whether the Officer concerned should be retained in service or retired from service in the public interest.

9. The criteria to be followed by the Committee in making their recommendations would be as follows :-

- (i) Government employees, whose integrity is doubtful, will be retired.
- (ii) Government employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness / competence of the employee to continue in the post which he / she is holding.
- (iii) While the entire service record of an officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness, if his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactorily.
- (iv) Consideration is ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within the period of 5 years, only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity.
- (v) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of the case. It is clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement.

The above instruction is relevant only when an employee is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity. The damage to public interest could be marginal if an old employee, the last year of service, is found ineffective, but the damage may be incalculable. If he is found corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform.

10. The report of the Committee shall be submitted before the appointing authority for decision. In every case where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule, the appointing authority should record in the file its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule in the public interest. The order to be served on the Government service would of course be on the Form prescribed for the purpose.

Contd....P/5...

11. All Departments / Heads of Departments are requested to follow the above instructions and take necessary action towards periodical review of the cases of Government servants as required under FR 56 (j) or Rule 48(1)(b) of CCS (Pension) Rules, 1972 (as adopted by the Government in the Finance Department).

July 24. 7.18
(Santosh Das)
Additional Secretary to the
Government of Tripura.

To
All Departments / Heads of Department.

Copy to :-

1. Secretary to Governor, Tripura, Agartala.
2. Principal Secretary to Chief Minister, Tripura, Agartala.
3. Office of the Deputy Chief Minister, Tripura, Agartala.
4. Offices of all Ministers, Tripura, Agartala.
5. All Principal Secretaries / Secretaries / Special Secretaries, Tripura.
6. Finance Department (Estt. Br. / General Br.) / GA (SA) / GA (AR) Deptt., Agartala.

July 24. 7.18
(Santosh Das)
Additional Secretary to the
Government of Tripura.

TRIPURA**GAZETTE***Published by Authority***EXTRAORDINARY ISSUE***Agartala, Thursday, November 22, 2018 A. D., Agrahayana 1, 1940 S. E.*

PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT.

No. F. 11(1)-GA (P&T)/18

Dated, Agartala, the 14th November, 2018.

NOTIFICATION

In pursuance of Memorandum vide No. F. 27(1)-GA(P&T)/18 dated 25.7.2018 in connection with strengthening of administration-Periodical review of service records under FR 56(j)/Rule 48 of CCS (Pension) Rules, 1972 (as adopted by the Government of Tripura), the Governor is pleased to constitute a Review Committee to review the service records of Tripura Secretariat Services Officers (for the post of Under Secretary to Joint Secretary) (Group-A).

(a)	Chief Secretary	-	Chairman
(b)	One of the senior most Addl. Chief Secretaries	-	Member
(c)	Secretary of the Department	-	Member
(d)	Secretary of Tribal Welfare	-	Member
(e)	Secretary of Sch. Castes Welfare	-	Member
(f)	Principal Secretary, GA(P&T) Department	-	Member-Secretary

2. The Committee shall review service records of the employee concerned such as ACR Dossier, Personal File of officer etc. and recommend as to whether the officer concerned should be retained in service or retired from the service in the public interest. (criteria to be followed by the committee in making their recommendations has been mentioned in Para-9 of the Memorandum No. F. 27(1)-GA(P&T)/18 dated 25.7.2018).

3. The Committee shall meet periodically as per provision of the above mentioned Memo. for the purpose.

By order of the Governor,

Animesh Das
Deputy Secretary to the
Government of Tripura.

To
All Concerned Chairman/Member-secretaries and members of the Committees.

No.25013/3/2019-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-IV Desk

North Block, New Delhi
New Delhi, 20th June, 2019

OFFICE MEMORANDUM

Subject :- Strengthening of administration – Periodic review of Central Government Employees under Fundamental Rule (FR) 56(j)/(I) and Rule 48 of CCS (Pension) Rules, 1972

The undersigned is directed to refer to this Department's O.M No.25013/1/2013-Estt.A dated 21.3.2014, OM No.25013/1/2013-Estt.A-IV dated 11.9.2015, 11.03.2016 and 10.8.2017 for periodic review of Central Government Employees for strengthening of administration under Fundamental Rule (FR) 56(j)/(I) and Rule 48 of CCS(Pension) Rules, 1972.

2. The detailed guidelines on the above subject are already in public domain at <http://dopt.gov.in> under 'Notifications'→'OM & Orders'→ Establishment → Premature Retirement.

3. All Ministries/Departments are requested to undertake the periodic reviews in letter and spirit, including in public sector undertakings (PSUs)/Banks and Autonomous institutions, under their administrative control. Department of Public Enterprises will also compile and countercheck with all concerned Ministries/Departments.

4. The Ministries/Departments should ensure that the prescribed procedure like forming of opinion to retire a Government employee prematurely in public interest is strictly adhered to, and that the decision is not an arbitrary one, and is not based on collateral grounds as per the order of the Hon'ble Supreme Court in case of *UOI & Col. J.N.Sinha [1571 SCR (1) 791]*.

5. All the Ministries/Departments shall furnish a report to DoP&T in the format given below by 15th day of each month starting from 15th July, 2019. Department of Public Enterprises are requested to also compile and countercheck the data with all concerned administrative Ministries/Departments in respect of PSUs before furnishing the report to DoP&T.

Contd....2/-

Number of employees to be reviewed under FR 56 (j) group-wise (A/B/C)	Number of employees reviewed under FR 56 (j) group-wise (A/B/C)	Number of employees reviewed and against whom FR 56 (j) invoked/recommended group-wise (A/B/C)	Number of employees retired prematurely under FR 56 (j) group-wise (A/B/C)
1	2	3	4

Surya Narayan Jha
(Surya Narayan Jha)
20.6.17

Under Secretary to the Government of India

Tel: 23040341

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
16. NIC, DoPT, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head 'OMs & Orders' → Establishment → Premature Retirement.
17. OL Division :-For Hindi version of the OM at the earliest possible.

No.25013/03/2019-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment A-IV Desk

North Block, New Delhi-1
Dated : 28th August, 2020

OFFICE MEMORANDUM

Subject: - Periodic Review of Central Government Employees for strengthening of administration under Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972

Instructions have been issued from time to time for undertaking periodic review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service prematurely, in public interest, as per Fundamental provisions/Rule referred in the subject cited above. In order to bring in better clarity to the existing instructions and enable uniform implementation, an effort has been made to review, consolidate and reiterate the guidelines so far issued on the subject at one place.

2. The objective of Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS(Pension) Rules, 1972, is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of Government functions. It is clarified that premature retirement of Government servants under these rules is not a penalty. It is distinct from 'Compulsory Retirement', which is one of prescribed penalties under CCS (CCA) Rules, 1965.

3. Provisions relating to pre-mature retirement in the Fundamental Rules and CCS (Pension) Rules, 1972

3.1 The Appropriate Authority has the absolute right to retire a Government servant under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be, if it is necessary to do so in public interest.

3.2 **FR 56(j)** :- The Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice :-

(i) If he is, in Group 'A' or Group 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) In any other case after he has attained the age of 55 years.

3.3 **FR 56(l)** :- Notwithstanding anything contained in clause (j), the Appropriate Authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire a Government servant in Group C service or post who is not governed by any pension rules, after he has completed thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice.

3.4 **Rule 48 (1) (b) of CCS (Pension) Rules, 1972** :- At any time after a Government servant has completed thirty (30) years' qualifying service, he may be required by the Appointing Authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension, provided that the Appointing Authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

4. **Time Schedule to be followed** :- The time schedule given in the following table, shall be followed for undertaking the exercise of review of performance of Government servants :-

Quarter in which review is to be made	Cases of Government servants, in the quarter indicated below to be reviewed
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

5. **Maintenance of Register :-** A register of the Government servants who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department / Cadre and the review be undertaken according to the above schedule so as to ensure timely completion of the review for retention/pre-mature retirement of the Government servants.

6. Government may, at any time after a Government servant has attained the age of 50/55 years or completed 30 years of service, as the case may be, retire him pre-maturely in public interest. However, non-adherence to the time-lines as indicated in para 4 above due to certain administrative exigencies shall not take away the powers of Appropriate Authority to pre-maturely retire a Government servant under FR 56(j), 56(l) and Rule 48 of CCS (Pension) Rules, 1972. Therefore, review of a Government servant for the purposes of these Rules can be undertaken even after he has attained the age of 50/55 years in cases covered by FR 56 (j) or after he has completed 30 years of qualifying service under FR 56(l) / Rule 48 of CCS(Pension) Rules, 1972.

7. There is also no bar on the Government to review any such case again where it was decided earlier to retain the officer, but the Appropriate/Appointing Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such cases, the Appropriate Authority is expected to demonstrate visible meticulousness as such Government servants have been found effective on earlier occasion for retention in service.

8. **Composition of Review and Representation Committee :-**

8.1 The concerned Secretary of the Cadre Controlling Authority (CCA) will constitute Review Committees of two members at appropriate level as under :-

(i) **In case of officers holding Group A posts :-**

Review Committee shall be headed by the Secretary of the concerned CCA. Where there are Boards viz CBDT, CBEC, Railway Board,

Postal Board, Telecom Commission etc, the Review Committee shall be headed by the Chairman of such Board.

(ii) **In case of Group B (Gazetted) officers :-**

Additional Secretary/Joint Secretary level officer shall head the Review Committee.

(iii) **In the case of Non-Gazetted employees :-**

(a) An officer of the level of Joint Secretary will head the Committee. However, in case the Appointing Authority is lower in rank than a Joint Secretary, then an officer of the level of Director/Deputy Secretary will be the head.

(b) In the case of Non-Gazetted employees in other than centralised cadres, Head of Department/Head of the Organisation shall decide the composition of the Review Committee.

Chief Vigilance Officer, in case of Gazetted officers, or his representative in case of non-Gazetted officers, will be associated in case of record reflecting adversely on the integrity of any employee.

8.2 The composition of Representation Committee for all Government servants shall consist of :-

- (a) A Secretary to the Government of India to be nominated by the Cabinet Secretary;
- (b) Additional Secretary/Joint Secretary in the Cabinet Secretariat; and
- (c) One member nominated by the CCA.

9. **Constitution of Internal Committee :-** In addition to the above, Secretary of the CCA is also empowered to constitute an Internal Committee comprising of such officer(s) as deemed fit to assist the Review Committee. These Committees will ensure that the service record of the Government servants being reviewed, along

with a summary, bringing out all relevant information, is submitted to the Cadre Authorities at least three months prior to the due date of review.

10. **Broad Criteria to be followed by the Review Committee :-** The broad criteria to be followed by the Review Committee while making the recommendations are as follows:-

- (i) Government servants whose integrity is doubtful, shall be retired.
- (ii) Government servants found to be ineffective shall also be retired. The basic consideration in identifying such Government servants should be their fitness/competence to continue in the post held.
- (iii) No Government servant should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of a Government servant, it would be open to review such a case also for premature retirement. The said instruction of not retiring the Government servant within one year on the ground of ineffectiveness except in case of sudden and steep fall in his performance is relevant only when he is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity.
- (iv) No Government servant should ordinarily be retired on ground of ineffectiveness, if, his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory. There is no such stipulation, however, where the Government servant is to be retired on grounds of doubtful integrity. In case of those Government servants who have been promoted during the last 5 years, the previous entries in the ACRs may be taken into account if he was promoted on the basis of seniority cum fitness, and not on the basis of merit.
- (v) The entire service record of a Government servant should be considered at the time of review. The expression 'service record' refers to all relevant records and therefore, the review should not be confined to the consideration of the ACR/APAR dossier. The personal file of the Government servant may contain valuable material. Similarly, his work and

performance could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Ministry / Department/Cadre puts together all the data available about the Government servant and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

11. Important judgements of Supreme Court

11.1 In the judgement in the case of *UOI & Col. J.N.Sinha [1571 SCR (1) 791]*, the Hon'ble Supreme Court had not only upheld the validity of FR 56(j), but also held that no show-cause notice needs to be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions. The Apex Court held that –

"Now coming to the express words of Fundamental Rule 56(j), it says that the appropriate authority has the absolute right to retire a government servant if it is of the opinion that it is in the public interest to do so. The right conferred on the appropriate authority is an absolute one. That power can be exercised subject to the conditions mentioned in the rule.' one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bona fide forms that opinion, the correctness of that opinion cannot be challenged before courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision."

11.2 In the case of *State of Gujarat vs Umedbhai M. Patel, 2001 (3) SCC 314*, Hon'ble Court held that –

"The law relating to compulsory retirement has now crystalized into definite principles, which could be broadly summarized thus:

- (i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.

- (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (iii) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer.
- (iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (v) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vi) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (vii) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure. "

12. The observations of the Supreme Court with regard to Integrity and conduct unbecoming of a Government servant

12.1 As far as integrity is concerned, the following observations of the Hon'ble Supreme Court in the case of S Ramchandra Raju vs State of Orissa {(1994) 3 SCC 424}, while upholding compulsory retirement in the case, may be kept in view :

"The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest. The entire service record or character rolls or confidential reports maintained would furnish the backdrop material for consideration by the Government or the Review Committee or the appropriate authority. On consideration of the totality of the facts and circumstances alone; the Government should form the opinion that the Government officer needs to be compulsorily retired from service. Therefore, the entire record more particularly, the latest, would form the foundation for the opinion and furnish the base to exercise the power under the relevant rule to compulsorily retire a Government officer."

12.2 While considering the aspect of integrity of an employee, all material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be taken into account. The judgement of the Apex Court in the case of *K. Kandaswamy vs Union Of India & Anr*, 1996 AIR 277, 1995 SCC (6) 162 is relevant here. In this case, the apex court upheld the decision of the Government and held that:-

"The rights - constitutional or statutory - carry with them corollary duty to maintain efficiency, integrity and dedication to public service. Unfortunately, the latter is being overlooked and neglected and the former unduly gets emphasised. The appropriate Government or the authority would, therefore, need to consider the totality of the facts and circumstances appropriate in each case and would form the opinion whether compulsory retirement of a Government employee would be in the public interest. The opinion must be based on the material on record; otherwise it would amount to arbitrary or colourable exercise of power."

12.3 Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the judgement of the Hon'ble Supreme Court in *State of U.P. and Others vs Vijay Kumar Jain*, Appeal (civil) 2083 of 2002:

"If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest."

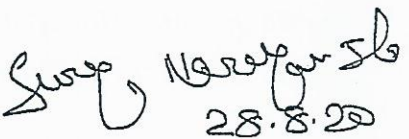
13. **Approval of Appropriate/Appointing Authority :-** The recommendations of Review Committee will be put up for consideration and approval of Appropriate/Appointing Authority in those cases, where it has been recommended to retire the Government servant prematurely.

14. **Representation against Premature Retirement :-** After issue of the orders of premature retirement, the concerned Government servant may put up representation for orders otherwise, within three weeks from the date of service of such notice / order and the matter may be placed before Representation Committee

along with fresh input, if any. The examination of the representation should be completed by the Cadre Authorities within two weeks from the date of receipt of representation. The Representation Committee considering the representation shall make its recommendations within two weeks from the date of receipt of the reference from the Cadre Authorities concerned and the Appropriate/Appointing Authority should pass its orders within two weeks from the date of receipt of the recommendations of Representation Committee.

15. In so far as the provisions which are not covered in this OM, the provisions in the earlier OMs shall continue to be applicable.

16. All Ministries/Departments are requested to follow the contents of this OM strictly and to ensure its wide circulation amongst all concerned.


28.8.20

(Surya Narayan Jha)

Under Secretary to the Government of India

Tel: 23040341

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.

10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi. 13. Secretary, National Council (3CM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
16. NIC, DoPT, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head 'OMs & Orders' → Establishment → Premature Retirement.
17. OL Division :-For Hindi version of the OM at the earliest possible.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 22nd September, 2021

G.S.R. 648(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. Short title and commencement. - (1) These rules may be called the Central Civil Services (Pension), Amendment, Rules, 2021.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Central Civil Services (Pension) Rules, 1972, in rule 54, for sub-rule (11-C), the following sub-rule shall be substituted, namely:—

“(11-C) (a) Where a person, who, in the event of death of a Government servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murder of the Government servant or for abetment of the commission of such an offence, the family pension shall not be payable to such person till the conclusion of the criminal proceedings instituted against him in this behalf and the family pension shall be payable to other eligible member of the family, if any, from the date following the date of death of the Government servant:

Provided that where the spouse of the Government servant is charged with the offence of murder of the Government servant or for abetment of the commission of such an offence and the other member of the family eligible for family pension is a minor child of the deceased Government servant, the family pension to such minor child shall be payable through a duly appointed guardian, and the mother or father of the minor child shall not act as guardian for the purpose of drawal of the family pension.

- (b) Where on the conclusion of the criminal proceedings referred to in clause (a), the person concerned, -
- (i) is convicted for the murder or abetment of the murder of the Government servant, such person shall be debarred from receiving the family pension and the same shall be continued to be paid to other eligible member of the family, if any;
 - (ii) is acquitted of the charge of murder or abetment of the murder of the Government servant, the family pension shall become payable to such person from the date of such acquittal and the family pension to other member of the family shall be discontinued from that date;

Provided that if there was no other eligible member of the family or the family pension ceased to be payable to the other eligible member of the family before the date of acquittal of the person concerned, the family pension shall be payable to such person from the date following the date of death of the Government servant or from the date on which the family pension ceased to be payable to the other eligible member of the family, as the case may be.

- (c) The provisions of clause (a) and clause (b) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement.”

[F.NO.1/24/2019-P&PW (E)]

SANJIV NARAIN MATHUR, Jt. Secy.

NOTE—The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number S.O.934, dated the 1st April, 1972 and subsequently amended *vide* the following notifications, namely:—

1. S.O.254, dated the 4th February, 1989;
2. S.O.970, dated the 6th May, 1989;

3. S.O.2467, dated the 7th October, 1989;
4. S.O.899, dated the 14th April, 1990;
5. S.O.1454, dated the 26th May, 1990;
6. S.O.2329, dated the 8th September, 1990;
7. S.O.3269, dated the 8th December, 1990;
8. S.O.3270, dated the 8th December, 1990;
9. S.O.3273, dated the 8th December, 1990;
10. S.O.409, dated the 9th February, 1991;
11. S.O.464, dated the 16th February, 1991;
12. S.O.2287, dated the 7th September, 1991;
13. S.O.2740, dated the 2nd November, 1991;
14. G.S.R.677, dated the 7th December, 1991;
15. G.S.R.39, dated the 1st February, 1992;
16. G.S.R.55, dated the 15th February, 1992;
17. G.S.R.570, dated the 19th December, 1992;
18. S.O.258, dated the 13th February, 1993;
19. S.O.1673, dated the 7th August, 1993;
20. G.S.R.449, dated the 11th September, 1993;
21. S.O.1984, dated the 25th September, 1993;
22. G.S.R.389(E), dated the 18th April, 1994;
23. S.O.1775, dated the 19th July, 1997;
24. S.O.259, dated the 30th January, 1999;
25. S.O.904 (E), dated the 30th September, 2000;
26. S.O.717 (E), dated the 27th July, 2001;
27. G.S.R.75 (E), dated the 1st February, 2002;
28. S.O.4000 dated the 28th December, 2002;
29. S.O.860 (E), dated the 28th July, 2003;
30. S.O.1483 (E), dated the 30th December, 2003;
31. S.O.1487 (E), dated the 14th October, 2005;
32. G.S.R.723(E), dated the 23rd November, 2006;
33. S.O.1821 (E), dated the 25th October, 2007;
34. G.S.R.258 (E), dated the 31st March, 2008;
35. S.O.1028 (E), dated the 25th April, 2008;
36. S.O.829 (E), dated the 12th April, 2010;
37. G.S.R.176, dated the 11th June, 2011;
38. G.S.R.928 (E), dated the 26th December, 2012;
39. G.S.R.938 (E), dated the 27th December, 2012;
40. G.S.R.103 (E), dated the 21st February, 2014;
41. G.S.R.138 (E), dated the 3rd March, 2014;
42. G.S.R.233 (E), dated the 28th March, 2014;
43. G.S.R.628 (E), dated the 1st September, 2014;
44. G.S.R.232 (E), dated the 30th March, 2015;
45. G.S.R.962 (E), dated the 30th September, 2016; and
46. G.S.R.12 (E), dated the 4th January, 2019.
47. G.S.R 673(E), dated the 19th September, 2019.
48. G.S.R 360(E), dated the 31st May, 2021.