

THE PUNJAB CIVIL SERVICES PENSION RULES
CHAPTER-1 GENERAL

- * 1.1 Short title - These rules may be called the **Punjab Civil Services Pension Rules**.
- 1.2 Commencement- These rules shall have effect from the 14th October 1955.
- *1.3 Extent of application-(1) Subject to the provisions of rule 1.5, unless in any case it be otherwise expressly provided these rules shall apply to all Government servants under the rule making control of the Government of the Punjab.
- ** 1.4. Deleted
- 1.5 These rules shall not apply to -
- (i) Government servants paid from contingencies or borne on Work-charged Establishment;
 - (ii) Government servants engaged on contract which contains no stipulation for pension under these rules;
 - (iii) any person for whose appointment and conditions of service, special provision is made by or under any law for the time being in force;
 - (iv) any Government servant or class of Government servants who may be excluded by a competent authority from the application of these rules;
 - (v) any Government servant who holds a post which has been declared by a competent authority to be non-pensionable;
 - (vi) any person whose whole-time is not retained for public service but is merely paid for work done, such as Government Pleaders and Law Officers not debarred from private practice;
 - (vii) any person who is not paid from the provincial consolidated fund, but is paid from a fund held by Government as a Trustee, or from a local fund or is remunerated by fees for the grant of a tenure of land or of any other source of revenue or of a right to collect money.
- 1.6 Definitions - (i) Unless expressly specified otherwise in these rules, terms defined in Chapter 1 of the @ [Punjab] Traveling Allowance Rules have the same meaning when used in these rules.
- (ii) Pension - Except when the term 'pension' is used in contradistinction to gratuity, pension includes gratuity.
 - @ (iii) ~~Class IV Service - Class IV Service means any kind of service which may be specially classed as such by Government.~~
 - @ (iv) ~~Superior Service - Superior Service means any kind of service which is not Class IV Service.~~
 - (v) Ordinary Pension- Ordinary pension means pensions other than extra-ordinary pension @ (and includes special additional pension).
 - (vi) Full pension - Full pension means the amount of ordinary pension admissible including * [commuted portion of the pension, if any.]
- 1.7 In any case where pension or gratuity is not admissible under these rules, a competent authority may grant a pension which will, not save in most exceptional circumstances, exceed ** [Rs.300] a month or a gratuity not exceeding the equivalent value of that amount; provided that the general spirit of the rules is observed.
- 1.8 (a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before

* Substituted vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

** Deleted vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

@ Substituted for the words "West Pakistan" vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

@ Deleted vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

* Substituted for the words 1/4th of the surrendered portion of the Pension vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

** Substituted for the word and figure Rs.100. vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

any order to this effect is issued, # (the pension sanctioning authority shall give full opportunity to the pensioner to vindicate his position).

(b) Government reserves to themselves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service, provided that such departmental proceedings shall not be instituted after more than a year from the date of retirement of the Government pensioner.

@@ [Note- If the departmental proceedings are not completed within one year after retirement of the Government servant, he may be allowed to draw up to 80% or less of full pension so as to ensure that Government loss in full is recovered from the balance. In the case of judicial proceedings, judgment of the court may be awaited. If the proceedings are delayed beyond one year after retirement, reduced pension may be allowed as in the case of pensioners facing departmental proceedings.]

(c) In case the amount of pension granted to a Government servant be afterwards found to be in excess of that to which he is entitled under the rules, he shall be called upon to refund such excess.

1.9 No pension may be granted to a Government servant dismissed or removed for misconduct, corruption, subversive activities or inefficiency, but, if he deserves special consideration he may be granted a compassionate allowance not exceeding 2/3rd of the pension which would have been admissible to him, had he retired on invalid pension.

1.10 Any of these rules may for reasons to be recorded in writing be relaxed in individual cases by a competent authority if it is satisfied that a strict application of the rules will cause hardship to the individual.

CHAPTER II - SERVICE QUALIFYING FOR PENSION

2.1 Conditions of Qualifications - The service of a Government servant does not qualify for pension unless it conforms to the following three conditions:

First - The service must be under Government.

Second - The service must not be non-pensionable.

Third - The service must be paid by Government from the Provincial Consolidated Fund.

~~* Note (1) For the previous service of displaced Government servants which qualifies for pension see Chapter VII.~~

Note (2) Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity.

2.2 Beginning of service - Subject to any special rules, the service of a Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

2.3 Temporary and officiating service - Temporary and officiating service shall count for pension as indicated below:

(i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and

(ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity.

2.4 Service in a temporary post on abolition of a permanent post - If a permanent post on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

2.5 Apprentices and probationers -

(1) One-half of the period of apprenticeship qualifies for pension.

Substituted for the words "the procedure regarding imposition of the penalty of removal from service shall be followed" vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

@@ Added vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

* Deleted vide Notification No. FD (SR-III)4-1/89 dated 1st March 1992.

(2) The service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension.

2.6 Training - The time spent by a Government servant in an approved training shall count as service qualifying for pension.

Note - The period of training before actual appointment to Government service shall not count for pension.

2.7 Leave - All leave (other than extraordinary leave) counts as qualifying service for purpose of pension.

2.8 Military service - Military pensionable service, rendered after attaining the age of 20 years, which terminates before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service provided that any bonus or gratuity received in lieu of pension on or since discharge from military service shall be refunded in lump sum or in monthly installments not exceeding 36. The military service of the individual concerned and the amount of gratuity paid to him should be verified by reference to the Controller of Military Accounts.

~~@ (2) ————— Persons who joined Armed Forces on or after the outbreak of World War II and rendered whole time satisfactory service in Government Forces under the British Rule in India and Pakistan and were appointed in a civil pensionable post on or before the 18th July 1949 shall be allowed to count such War service not extending five years rendered between the 3rd September, 1939, and the 1st April, 1946 after attaining the age of 20 years for purposes of Civil Pension and they shall not be required to refund military bonus or gratuity.~~

*[(3) Service rendered in the Armed Forces by an officer inducted in Basic Pay Scale 17 on regular basis shall count towards civil pension.

(4) Service rendered in the Armed Forces by an officer of the rank of Major and equivalent inducted in Basic Pay Scale 18 after retiring from the Armed Forces on completion of the prescribed age or service shall not count towards civil pension. Such officer shall continue to draw his military pension and his service in the civil post shall count towards gratuity or pension, as the case may be.]

2.9 Deputation - Time spent by a Government servant, holding pensionable post on deputation to (1) another Government, (2) foreign service, or (3) service in a temporary or non-pensionable post under Government counts for pension as if it were a time spent under the Government.

2.10 Suspension - If a Government servant is suspended from service pending enquiry into his conduct, the period of suspension counts for pension if it is immediately followed by reinstatement, #[regardless of the fact whether the Government servant was or was not allowed full pay and allowances for the period of suspension. However, if the period of suspension is treated as extraordinary leave, it shall not count for pension.]

2.11 Forfeiture of past service - A Government servant forfeits his past service in the following cases:

- (a) Resignation of a post unless it is to take up another post service in which counts for pension;
- (b) Removal or dismissal from service;
- (c) Absence from duty without leave.

Note- (1) The authority which sanctions the pension may commute retrospectively periods of absence without leave into extraordinary leave.

Note- (2) In case of a civil servant, who, with the proper concurrence of the competent authority, leaves service under the Government of Punjab and seeks absorption/employment under an autonomous, semi- autonomous/local body, where service is pensionable, the Government, if it is so requested, will be liable to share pensionary liability for the period of service rendered by such civil servant under the Government in accordance with the Government rules.

@ Deleted vide Notification No. SR.III-6-42/91 dated 5th June 1997.

* Sub-rule (3) and (4) added vide Notification No. F.D. (SR-III)-4-1/89 dated 1st March 1992.

Substituted for the words "Unless the Government servant is reinstated with forfeiture of a part of his pay or allowances for the period of suspension", vide Notification No. F.D. (SR-III)-4-1/89 dated 1st March 1992.

2.12 Condonation of interruptions and deficiencies - (1) The Administrative Department may for purposes of pension condone all gaps between periods of service of a Government servant* [;

Provided that the gaps are not due to any fault or willful act of the Government servant, like unauthorized absence, resignation or removal from service.]

@ [Note(1) Condonation of interruptions in service with a view to allowing past non-qualifying temporary/officiating service to qualify for pension/gratuity under rule 2.3 is not permissible.

Condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying, i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruption is not permissible. To make it more clear, the following illustrations are given:

First illustration -- A Government servant has the following broken spells of temporary/officiating service:

- (i) 5 years and one month followed by break.
- (ii) 3 years followed by break.
- (iii) 6 years.

First and third spells are qualifying under Rule 2.3 and, therefore, can be counted (as 11 years and one month qualifying service). The second spell of service being not qualifying will not count and will be treated as a part of gap in between the first and the third spell of service.

Second illustration -- A Government servant has the following broken spells of temporary/officiating service:

- (i) 5 years and one month followed by break.
- (ii) 3 years followed by break.
- (iii) 4 years and 5 months.

Only the first spell is qualifying. The second and third spells are not qualifying. Therefore, neither of the two gaps can be condoned.

Third illustration -- A Government servant has the following broken spells of temporary/officiating service:

- (i) 5 years and one month followed by break.
- (ii) 3 years followed by break.
- (iii) One year followed by confirmation.

The second spell is not qualifying. First and the third spells are qualifying and the gap in between them can be condoned as in the case of the first illustration.

Note (2) An interruption in service due to removal on account of retrenchment of the post shall be deemed to have been condoned. The period of such interruption shall not, however, count as service qualifying for pension.]

* [(2) (a) A deficiency of six months or less in the qualifying service of a Government servant shall be deemed to have been condoned.

(b) A deficiency of more than six months but less than a year may be condoned by the Administrative Department if both the conditions mentioned below are satisfied:

- (i) If the Government servant dies while in service or retires under circumstances beyond his control, such as becoming invalid or on abolition of his permanent post and his eventual selection for discharge, and, but for such contingency, he would have completed another year of qualifying service; and
- (ii) the service rendered by the Government servant was meritorious.

(c) A deficiency of one full year or more shall not be condoned.

Explanation: Deficiency in service can be condoned under this rule at any stage in service up to the 30th year. For instance, a deficiency of six months or less will be deemed to have been condoned so as to make 4 years and 6 months qualifying service as 5 years

* Added after replacing the full stop with the semi-colon vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

@ Added vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

* Sub-rule (2) of Rule 2.12 substituted vide Notification No. (F.D.) (SR-III)4-1/89 dated 1st March 1992.

qualifying service, 9 years and 6 months qualifying service as 10 years qualifying service and 29 years and six months qualifying service as 30 years qualifying service. Similarly, 25 years and 3 months qualifying service can be treated as 26 years qualifying service through condonation of deficiency of 9 months by the Administrative Department under clause (b) of sub-rule (2) above.]

CHAPTER III - DIFFERENT KINDS OF ORDINARY PENSION AND CONDITIONS FOR THEIR GRANT

3.1 Classifications of pensions - Pensions are divided into four classes:

- (a) Compensation Pension,
- (b) Invalid Pension,
- (c) Superannuation Pension,
- (d) Retiring Pension.

* ~~[Note - Special additional pension is also granted to certain classes of Government servants under special circumstances.]~~

3.2 Compensation pension - If a permanent Government servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equivalent to those of his own, have the option -

- (a) of taking any compensation pension and/or gratuity to which he may be entitled for the service, he has already rendered; or
- (b) of accepting another post or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension.

3.3 Invalid Pension (1) An invalid pension is awarded on his retirement from Government service, before reaching the age of superannuation to a Government servant who by bodily or mental infirmity is permanently incapacitated for further service on production of a medical certificate prescribed in sub-rule (3).

(2) A Government servant who wishes to retire on invalid pension, should apply to his Head of Office or Department/attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a medical certificate of incapacity for further service in the following form :-

"Certified that I(we) have carefully examined A,B., son of C.D., a in the His age is by his own statement years. I(we) consider A.B., to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of (here state disease or cause).

Note - (1) If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:

I am (we) are of opinion that A,B, is fit for further service of a less laborious character than that which he has been doing (or may after resting for months, be fit for further service of a less laborious character than that which has been doing).

Note- (2) A medical certificate from a Medical Board or an Invaliding Committee shall be required in the case of a gazetted Government servant.

Note- (3) A Government servant who has submitted a medical certificate of incapacity for further service should be invalidated for service on receipt of the medical certificate, or from the date of expiry of leave if already on leave, or has been granted leave as a special case.

[3.4 Superannuation pension-- A superannuation pension is granted to a Government servant who retires on attaining the age of 60 years]

3.5 Retiring Pension -A retiring pension is granted to a Government servant, who not being eligible for superannuation pension -

* Deleted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

Substituted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

- (i) Opts to retire after 25 years qualifying service or such less time as may for any special class of Government servant be prescribed; or
 - (i-a) is compulsorily retired, by the competent authority, after* [20] years qualifying service;
 - (ii) is compulsorily retired from service by the authority competent to remove him from service on grounds of inefficiency, misconduct or corruption** [.] ~~or~~
 - ~~@@ [(iii) retired from Government service on or after 21st June, 1960, but before 31st March, 1966 on or after attaining the age of 55 years.]~~
- @ [Note (1) Subject to the provisions of the Essential Services Maintenance Act, all Government servants shall have the right to retire on a retiring pension after completing 25 years qualifying service; provided that a Government servant, who intends to retire before attaining the age of superannuation, shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such an intimation, once submitted, shall be final; provided that if a Government servant withdraws his application for voluntary retirement, or modifies the date of such retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be.
- Note (2) The right given under Note (1) shall not be available to a Government servant against whom departmental or judicial proceedings are pending.
- Note (3) A Government servant can ask for retirement only after completion of 25 years qualifying service. A Government servant proceeding on retiring pension shall, unless he has been retired under the Efficiency and Discipline Rules, has the right to avail of such leave preparatory to retirement as may be admissible to him. However, the LPR shall not be allowed to him until he has completed 25 years service qualifying for pension. If a Government servant proceeds on LPR before actually completing 25 years of qualifying service, he may be deemed to have proceeded on retirement with effect from the date he completes 25 years of qualifying service, and the leave enjoyed by him before completing 25 years of service may be treated as leave of the kind due to him.]

CHAPTER IV - AMOUNT OF ORDINARY PENSIONS

SECTION I - GENERAL

4.1 (1) The amount of pension that may be granted is determined by length of completed years of qualifying service of a Government servant as set forth in rule 4.4.

(2) Pension is fixed in rupees and should be calculated to the nearest paisa.

* 4.2 (Deleted)

4.3 If a Government servant has held more than one post, in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each post separately and alone. ** ~~[The consolidated pension shall, however, be subject to the maximum limit prescribed in rule 4.4]~~

SECTION II – AMOUNT OF FULL PENSION

* For the figure '25' the figure '10' was substituted vide Notification No. F.D. SR-III-4-42/88 dated 22nd March 1990 and further substituted the words '10' with '20' vide notification No.FD.SR.III-4-14/2002 dated 24.06.2002.

** Semi-colon and the word "or" at the end of clause (ii) were replaced with a full stop vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

@@ Clause (iii) of Rule 3.5 deleted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

@ Added vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992.

* Deleted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992

** Deleted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March 1992

•4.4 Amount of full pension – (1) After a qualifying service of not less than 10 years, full superannuation, retiring, invalid or compensation pension may be granted in accordance with the scale laid down in the following table:

Completed years of <u>qualifying service</u>	Scale of pension expressed as <u>fraction of average emoluments</u>
10	70/300
11	77/300
12	84/300
13	91/300
14	98/300
15	105/300
16	112/300
17	119/300
18	126/300
19	133/300
20	140/300
21	147/300
22	154/300
23	161/300
24	168/300
25	175/300
26	182/300
27	189/300
28	196/300
29	203/300
30 or above	210/300

Provided that no full pension (inclusive of increase in an indexation of pension sanctioned from time to time) shall be less than Rs.300 per month. Provided that no full pension (inclusive of increase in an indexation of pension sanctioned from time to time) shall be less than Rs.300 per month.

(2) If, for a pensioner with qualifying service of 30 years or more, the amount of pension calculated under sub rule (1) above falls short of the amount of pension (inclusive of adhoc increase, dearness increase, special dearness increase and additional dearness increase sanctioned with effect from 1st June, 1973, 1st August, 1973, 8th June, 1974 and 7th April, 1975 respectively) that would have been admissible under the Pension Rules and rates sanctioned in the Finance Department's circular letter No. SO(SR)-V-257/67, dated 27th April, 1967, as amended from time to time, or exceeds it by less than Rs.45, the amount of pension shall be so increased as to make such difference one or Rs.45. Where the qualifying service is less than 30 years, but not less than 10 years, proportionate reduction at the rate of Rs.1.50 for each year short of 30 years, shall be made while working out the amount of minimum increase mentioned above.

(3) In case the qualifying service of a Government servant is more than 30 years, a benefit, to the extent of 2% of his full pension for each completed extra year of service beyond 30 years, shall be allowed subject to a maximum of 10% of the full pension.

Note: For the purpose of this sub rule, only the completed years of qualifying service beyond 30 years shall be taken into account.

(4) The term "average emoluments" means -

- (a) the last pay/emoluments drawn at the time of retirement if the post from which the Government servant has retired has been held by him on a regular basis; and
- (b) in other cases, the average of the pay that the Government servant drew, or would have drawn, had he not been on leave with leave salary or on joining time or under suspension which is not adjudged as a penalty during the last twelve months of his service a Government servant has been absent from duty on leave

• Substituted vide Notification No. F.D. (SR-III) 4-1/89 dated 1st March, 1992

without pay, or has been under suspension as a kind of penalty, the periods so spent shall be disregarded in the calculation of the average emoluments and an equal period before the twelve months shall be included; provided that in case the pay of a Government servants (Efficiency and Discipline) Rules, the average pay, at the option of the pensioner, be calculated on the basis of the emoluments admissible during the last three years of service.

Note (1): Service in autonomous or semi-autonomous body – The pay drawn by a Government servant in an autonomous or semi-autonomous body, the authorized capital of which is wholly subscribed by the federal and/or a provincial Government, in a post, appointment to which is, by law, required to be made and the salary or which is required to be fixed by the federal or provincial Government, shall be treated as pay drawn in Government service.

Note (2): The term “average emoluments” also includes the senior post allowance (where admissible) and except for the purpose of calculating the amount of pension under sub rule (2) above, the indexed pay.

Note (3): The term “pay” does not include the pay drawn by a Government servant in Foreign Service or additional pay for performance of additional duties of another post.

•4.5

[deleted]

SECTION III -A- Gratuity and Pension Benefits

4.6.

♦(1) [deleted]

(2) ♥[(a) If a Government servant retires or is selected for discharge owing to the abolition of his permanent post, after completing qualifying service of 5 years or more but less than 10 years, he may be granted a gratuity not exceeding one month's pay for each year of qualifying service, subject to a maximum of Rs. 12,500/-;

Provided that if the retirement is due to invalidation, or if the Government servant dies in service, the rate of gratuity shall be 1 ½ months pay for each year of qualifying service, subject to a maximum of Rs.12,500/-.

(b) A Government servant in pensionable service, who is not employed in a substantive capacity, may be granted pension or gratuity, as the case may be, in accordance with the provisions of Rule 4.4, if he retires from service, or if he is discharge after completion of qualifying service of 25 years or more owing to the abolition of his post or replacement by a 'qualified' candidate. If such a Government servant is discharged after completing 10 years or more but less than 25 years qualifying service, he may be granted a gratuity not exceeding one month's pay for each completing year of qualifying service subject to a maximum of Rs.25,000/-.]

(3) ▲[In the event of death of a Government servant who has rendered qualifying service for 10 years or more:

(a) If he dies before retirement, his family shall be paid (i) a gratuity equal to the commuted value of one-fourth of his full pension calculated as in sub rule (5) on the basis of age next birth day of the deceased, and, in addition, (ii) pension at the rate of 50% of the full pension for a period of 10 years;

(b) If he dies after but within 10 years of retirement, payment shall be made to his family at the rate of 50% of his pension (net or full, as the case may be) for the un-expired period of 10 years;

Provided that the family pension granted under clauses (a) and (b) above shall not be less than Rs.150/- per month.

• Deleted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

♦ Deleted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

♥ Substituted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

▲ Substituted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

(4) Notwithstanding anything contained in sub rule (3) above and rule 4.10, if the beneficiary of family pension is the widow or widows of the deceased Government servant/pensioner, the family pension, irrespective of the date of death of the Government servant/pensioner, shall be paid to the widow(s) for life or until remarriage. In the event of death of the widow, her family pension shall be divided equally among the surviving sons not above 24 years and unmarried daughters of the deceased Government servant/pensioner from the deceased widow.]

*[(5)] In the event of death before retirement pension for the purposes of this rule shall be calculated as if the Government servant retired on invalid pension on the date of his death, but it shall be admissible from the day following the death of the Government death.

*[Note-(1) Deleted]

♦[Note-(2) Deleted]

Note-(3) Gratuity payable under sub rule (3)(a) of this rule should be worked out on the fraction of a rupee of the surrendered pension calculated to the nearest paisa.

Note-(4) Anticipatory pension will also be admissible to the family of the Government servant in the even of his death before retirement. In such cases the gratuity admissible to the family under sub rule (3)(a) of this rule will be calculated on 25 % of the amount of pension on which the anticipatory pension to the family is based.

Note-(5) This rule will also apply to the compassionate allowance.

*[Note-(6) Deleted]

B - GRATUITY

4.7 (1) The term "family" for the purpose of payment of gratuity under this section shall include the following relatives of the Government servants-

- (a) Wife or wives, in the case of a male Government servant;
- (b) Husband in the case of a female Government servant;
- (c) Children of the Government servant;
- (d) Widow or widows and children of a deceased son of the Government servant

Note-(i) A child means a legitimate child or an "adopted child" if under the personal law of the Government servant concerned adoption is legally recognized as conferring the status of a natural child.

Note-(ii) If it is proved that the wife has been judicially separated from the Government servant or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she will no longer be deemed to be a member of the family unless the Government servant has himself intimated in writing to the Accounts Officer/Head of the Office that she will continue to be so regarded.

Note-(iii) In the case of female Government servant, if the wife intimates in writing to the Accounts Officer/Head of the Office that her husband should not be included as a member of the family, then he will no longer be considered a member of the family unless subsequently she cancels in writing her intimation excluding him.

(2) A Government servant may, as soon as he/she completes 5 years qualifying service, make nomination conferring on one or more members of his/her family, or if he/she has no family, on one or more persons, the right to receive any gratuity that may be sanctioned under rule 4.6 and any gratuity which having become admissible to him/her has not been paid to him/her before death.

Explanation: It is not mandatory for a Government servant to make a nomination.

(3) A nomination in favour of a person not a member of the family made when the Government servant had a family shall lapse on the Government servant acquiring family:

(4) If a Government servant nominates more persons than one under sub rule (2) above, he/she shall specify in the nomination the amount or share payable to each nominee in such manner as to dispose of the whole amount of the gratuity mentioned therein.

* Sub rule "(4)" was renumbered as "(5)" vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

* Deleted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

♦ Deleted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

* Deleted vide Notification No. F.D.(SR-III) 4-1/89 dated 1st March 1992

- (5) A Government servant may provide in a nomination -
- a) in respect of any specified nominee, that in the event of his/her predeceasing the Government servant the right conferred upon that nominee in sub-rule (2) above shall pass to such other member or members of the Government servant's family as may be specified in the nomination.
 - b) that the nomination shall become void in the even of the happening a contingency specified therein.
- (6) Every nomination shall be in Form 1 (Pen), or Form 2 (Pen) as may be appropriate in the circumstances of the case.
- (7) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority, and send a fresh nomination, if he/she so desires, along with such notice.
- (8) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-rule (5)(a) above or on the occurrence of any even by reason of which the nomination becomes void by reason of sub-rule (3) or sub-rule (5) above, the Government servant shall send to the appropriate authority a notice in writing formally canceling the nomination together with a fresh nomination, if any.
- (9) Every nomination made and every notice of cancellation given by a Government servant under this rule shall be sent by the Government servant to his/her Accounts Officer as well as to the Appointing Authority in the case of a Gazetted Officer and to the Head of his/her office in the case of non-gazetted officer. Immediately on receipt of a nomination from a non-gazetted Government servant, the Head of the Office shall countersign it indicating the date of receipt and keep it in his custody.
- (10) 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 (9) above.

4.8 When the amount of gratuity has become payable, it shall be the duty of the Accounts Officer to make payment according to the following procedure:

- (a) The amount of the gratuity or any part thereof, to which the nomination relates, shall become payable to his/her nominee or nominees in the proportion specified in the nomination.
- (b) If nomination relates only to a part of the amount of the gratuity, the part to which it does not relates shall be distributed equally only among the members of the family other than the nominees;
- (c) If no valid nomination subsists, the whole amount of the gratuity shall become payable to the members of his/her family in equal shares;

Provided that in case of (b) or (c) above no share shall be payable to -

- (i) sons who have attained the age of 24 years;
- (ii) sons of a deceased son who have attained the age of 24 years;
- (iii) married daughters whose husbands are alive; and
- (iv) married daughters of a deceased son where husbands are alive;

if there is any member of the family other than those specified in sub-clause (i), (ii), (iii) and (iv) above;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived that Government servant and had been exempted from the operation of the first provision.

- (d) When the Government servant leaves no family and the whole or part of the gratuity is not covered by a valid nomination the amount of gratuity shall be payable to the following surviving relatives, if any, of the Government servant in equal shares:
 - 1) brothers below the age of 21 years;
 - 2) un-married and widowed sisters;
 - 3) father; and

- 4) mother.

Note - In the absence of any other eligible claimant gratuity would be payable to the sons and daughters of the deceased Government servant in equal shares even if the sons are over 24 years old and the daughters are married and their husbands are alive.

4.9 No gratuity will be payable by Government after the death of a Government servant if he/she does not leave a valid nomination or a family as defined in sub-rule (1) of rule 4.7 or an eligible dependent relative or relatives specified in clause (d) of rule 4.8.

C - FAMILY PENSION

4.10 (1) Family for the purpose of payment of family pension shall be as defined in sub-rule (1) of rule 4.7. It shall also include the Government Servant's relatives mentioned in clause (d) of rule 4.8.

(2) (A) A family pension sanctioned under this section shall be allowed as under:

(i) (a) To the widow of the deceased, if the deceased is a male Government servant, or to the husband, if the deceased is a female Government servant.

(b) If the Government servant had more than one wife, and the number of his surviving widows and children does not exceed 4, the pension shall be divided equally among the surviving widows and eligible children. If the number of surviving widows and children together is more than 4, the pension shall be divided in the following manner, viz. each surviving widow shall get 1/4th of the pension and the balance (if any) shall be divided equally among the surviving eligible children. Distribution in the above manner shall also take place whenever the Government servant leaves behind surviving children of a wife that has predeceased him in addition to the widow and her children, if any.

(c) In the case of a female Government servant leaving behind children from a former marriage in addition to her husband and children by her surviving husband, the amount of pension shall be divided equally among the husband and all eligible children. In case the total number of beneficiaries exceeds four, the husband shall be allowed 1/4th of the pension and the remaining amount distributed equally among the eligible children.

(ii) Failing a widow or husband, as the case may be, the pension shall be divided equal among the surviving sons not above 24 years and unmarried daughters.

Note - In working out the share of the various heirs under sub-clause (A) (i) and (ii), the amount should be calculated to the nearest paisa.

(iii) Failing (i) and (ii), to the eldest widowed daughter.

(iv) Failing (i) to (iii), to the eldest widow of a deceased son of the Government servant.

(v) Failing (i) to (iv), to the eldest surviving son of a deceased son of the Government servant.

(vi) Failing (i) to (v), to the eldest unmarried daughter of a deceased son of the Government servant.

(vii) Failing these, to the eldest widowed daughter of a deceased son of the Government servant.

(B) If the family pension is not payable under clause (A), it may be granted:

(i) to the father;

(ii) failing the father, to the mother;

(iii) failing the father and the mother, to the eldest surviving brother below the age of 21 years;

(iv) failing (i) to (iii), to the eldest surviving unmarried sister, if the eldest sister married or dies then the next eldest;

(v) failing (i) to (iv) to the eldest surviving widowed sister.

(3) No family pension shall be payable under this section -

- (a) to an unmarried female member of a Government servant's family in the event of her marriage;
- (b) to a widowed female member of a Government servant's family in the event of her re-marriage;
- (c) to the brother of a Government servant on his attaining the age of 21 years.
- (d) to a person who is not member of a Government servant's family.

(4) A family pension awarded under this section shall not be payable to more than one member of a Government servant's family at the same time except as provided for in sub-clause (A) (i) and (ii) of sub-rule (2) above.

(5) (a) If the pension ceases to be granted before the expiry of the period for which it is admissible on death or marriage of the recipient or on account of other causes, to persons falling under sub-clauses (A) (i) and (ii) of sub-rule (2) above, the amount shall be granted to other recipients in equal shares.

(b) If a family pension awarded under this section other than that mentioned in clause (A) (i) or (ii) of sub-rule (2) of this rule ceases to be payable before the expiry of the period up to which it is admissible on account of death or marriage of the recipient or other causes, it shall be re-granted to the person next lower in order mentioned in sub-rule (2).

(6) Government shall have discretion to make such modification in the mode of allotment or conditions of tenure set forth in sub-rules (2) to (5) above as they may consider desirable to suit the special circumstances of the beneficiaries.

(7) A family pension sanctioned under this section shall be payable in addition to any extraordinary pension or gratuity that may be granted to the members of a Government servant's family under any other rules in force for the time being.

(8) Further good conduct of the recipient is an implied condition of every grant of a family pension under this section.

D - GENERAL

4.11 (i) The rules which apply to the grant of ordinary pension to Government servants shall also apply in respect of gratuity and pension that may be sanctioned in favour of their families under this section in so far as such rules are not inconsistent with the provisions of this section.

(ii) Government shall have the right to effect recovery from such gratuity or pension in the same circumstances as recoveries can be effected from ordinary pension and gratuity granted to Government servants.

(iii) A gratuity or pension to the family may be sanctioned under this section by the authority competent to sanction pension to the Government servant concerned after giving due regard to the provisions of Rule 4.2.

Note- (1) Cases decided by Government before the publication of these rules will not be re-opened.

Note- (2) The sanctioning authority may allow the payment of family pension and or shares of gratuity admissible to minor children of a deceased Government servant to their mother. In case the mother is not alive or was judicially separated from the Government servant in his life time, the sanctioning authority may nominate any suitable person to be the guardian of such minor children for the purpose of receiving payment of pension and/or shares of gratuity on their behalf. In case the deceased Government servant was a female, the sanctioning authority may under similar circumstances allow the payment of pension and/or shares of gratuity of minor children of the deceased to their father, or if the father be not alive to such guardian as may be appointed by the sanctioning authority.