

GOVERNMENT OF RAJASTHAN

FINANCE DEPARTMENT

RULES DIVISION



सत्यमेव जयते

RAJASTHAN CIVIL SERVICES

(PENSION) RULES, 1996

(AMENDED UPTO 31ST MAY 2007)

TABLE OF CONTENTS

RAJASTHAN CIVIL SERVICES (PENSION) RULES, 1996

Rule No.		Pages
CHAPTER I - PRELIMINARY AND GENERAL CONDITIONS		
A - PRELIMINARY		
1	Short title and commencement.	1
2	Application.	1
3	Definitions.	1-3
B - GENERAL CONDITIONS		
4	Regulation of claims to pension or family pension.	3
5	Limitation on number of pensions.	3
6	Pension subject to future good conduct.	3-4
7	Right of Governor to withhold or withdraw pension.	5-8
8	Claim to pension when inadmissible	8-9
9	Commercial employment after retirement.	9-12
10	Restriction on practice in Sales Tax and other cases after retirement.	12-13
11	Employment after retirement under a Government outside India.	13
CHAPTER II - QUALIFYING SERVICE		
12	Commencement of qualifying service.	14
13	Conditions subject to which service qualifies.	14
14	Government's power to declare any service as qualifying service.	14-16
15	Counting of service as Apprentice.	17
16	Counting of service on probation.	17
17	Counting of service on contract.	17
18	Counting of pre retirement civil service in the case of re-employed Government servants.	17-18
19	Counting of military service rendered before civil employment.	18-19
20	Counting of periods spent on leave.	19-20
21	Counting of periods spent on training.	20

22	Counting of periods of suspension.	20
23	Forfeiture of service on dismissal or removal.	21
24	Counting of past service on reinstatement.	21
25	Forfeiture of service on resignation.	21-22
26	Effect of interruption in service.	22-23
27	Condonation of interruption in service.	23-24
28	Period of deputation to United Nations and other organisations.	24-25
29	Verification of qualifying service after 25 years service or 5 years before retirement.	25

CHAPTER III - CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT.

30	Superannuation Pension	26-27
31	Combined appointments.	27
32	Retiring Pension.	28
33	Pension on absorption in or under a corporation, company or body.	28
34	Payment of lump sum amount to persons on absorption in or under a corporation, company or body.	28
35	Invalid Pension.	28-30
36	Special precaution in the Police.	30
37	Restriction.	30
38	Compensation Pension.	30-32
39	Discharge to make room for better qualified persons will not be treated as abolition.	32
40	Non-admissibility of pension on discharge after completion of specified term of service.	32
41	Discharge within the period of contract.	32
42	Compulsory retirement pension.	32-33
43	Compassionate allowance.	34-35
44	Rules regulating the Compassionate Fund.	35

CHAPTER IV - EMOLUMENTS

45	Emoluments.	36-40
46	Allowances which do not count.	40-41
47	Net Emoluments taken.	41

48	Regulation of pension on holding more than one appointment.	41
49	No increase in pension for holding more than one office conjointly.	41

CHAPTER V - REGULATION OF AMOUNTS OF PENSION

A - (i) PREMATURE RETIREMENT

50	Retirement on completion of 20 years' qualifying service.	42-44
51	Addition to qualifying service on voluntary retirement.	44
52	Addition to qualifying service on voluntary retirement by employees declared surplus.	44
53	Compulsory retirement on completion of 25 years qualifying service.	45-49
53A	Compulsory retirement of a Government servant who has more than three children.	50

A - (ii) AMOUNT OF PENSION

54	Amount of Pension.	50-68
----	--------------------	-------

B - RETIREMENT / DEATH GRATUITY

55	Retirement / Death Gratuity.	69-71
56	Persons to whom gratuity is payable.	71-75
57	Debarring a person from receiving gratuity.	75
58	Lapse of retirement gratuity / death gratuity.	76
59	Nominations.	76-78

C - FAMILY PENSION RULES

60	Applicability.	79
61	Admissibility of pension.	79-80
62	Amount of family pension.	81-87
63	Family pension not admissible on award of extra ordinary pension.	88
64	Regulation of family pension to the family of a re-employed military pensioner.	88
65	Family pension not to be granted to a person in receipt of or eligible for the same from other sources.	88
66	Definitions.	88-89

67	Condition of grant.	89-90
68	Order of allotment.	90-91
69	Family pension not payable to more than one member of the family at the same time.	92
70	Family pension to be given to the eldest eligible child.	92
71	Payment of family pension to the guardian on behalf of minor.	92
72	Regulation of pension in case both wife and husband are Government servants.	92
73	Suspension of family pension if the recipient is charged with the offence of murdering the Government servant etc.	93
74	Communication of details of family by the Government servant.	93
75	Ex-gratia grant to the family of a Government servant who dies while on duty in certain circumstances.	93-95
76	Ex-gratia grant to the family of a Police/ Civil Defence & Home Guard personnel who die due to injury intentionally inflicted while on duty by a terrorist.	96

D - DEARNESS RELIEF ON PENSION / FAMILY PENSION

77	Dearness Relief on Pension/ Family Pension.	96-98
----	---	-------

E - INTERIM RELIEF ON PENSION / FAMILY PENSION

77A	Interim Relief on Pension/ Family Pension.	98
-----	--	----

CHAPTER VI - DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

A - PENSION AND GRATUITY

78	Preparation of list of Government servants due for retirement.	99
79	Intimation to the Directorate of Estates/ Public Works Department regarding issue of "No Demand Certificate".	100
80	Preparation of pension papers.	100-101
81	Stages for completion of pension papers.	101-103
82	Completion of pension papers.	103
83	Forwarding of pension papers to Director, Pension Department.	104

84	Intimation to the Director, Pension Department, regarding any event having bearing on pension.	104-105
85	Intimation of the particulars of Government dues to the Director, Pension Department, Rajasthan.	105
86	Provisional Pension.	105-106
87	Authorisation of pension and gratuity by the Director, Pension Department.	106-108
88	Government servant on foreign service.	108
89	Interest on delayed payment of gratuity.	109-112
90	Provisional pension where department or judicial proceedings may be pending.	112
91	Revision of pension after authorisation.	113
92	Recovery and adjustment of Government dues.	113-114
93	Adjustment and recovery of dues pertaining to Government accommodation.	114-115
94	Adjustment and recovery of dues other than dues pertaining to Government accommodation.	115-118

**B - FAMILY PENSION AND DEATH GRATUITY IN RESPECT OF GOVERNMENT
SERVANTS DURING WHILE IN SERVICE**

95	Obtaining of claims for family pension and death gratuity.	119
96	Completion of Form 18.	119-120
97	Determination of the amount of family pension and gratuity where service records are incomplete.	120-121
98	Forwarding the papers to the Director, Pension Department.	121-122
99	Sanction, drawal and disbursement of provisional family pension and gratuity.	122
100	Authorisation of final pension and balance of the gratuity by the Director, Pension.	122-123
101	Adjustment of Government dues.	123-125
102	Payment of family pension and death gratuity when a Government servant dies while on deputation.	125
103	Procedure to be adopted for grant of family pension under provisos to rule 61 of the Family Pension Rules.	125
104	Endorsement of the family pension entitlement of post retiral spouse in	125-126

the Pension Payment Order of pensioners.

105	Procedure in respect of ex-gratia grant under Rule 75.	126
106	Procedure in respect of ex-gratia grant under Rule 76.	127

C - FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

107	Sanction of family pension and residuary gratuity on the death of a pensioner.	127-129
108	Authorisation of payment by the Director, Pension Department.	129

CHAPTER VII - SPECIAL PENSIONARY AWARDS

109	Applicability.	130
110	Applicability of Award.	130
111	Amount of Award.	130-132
112	Definition of emoluments.	132
113	Dearness Relief/ Interim Relief.	132
114	Procedure.	132-135

CHAPTER VIII - EXTRAORDINARY PENSIONS

115	Extent of application.	136
116	Definitions.	136-137
117	Condition for accepting disablement/ death due to Government service.	137-138
118	Conditions of Award.	138
119	Effect of Award on other pensionary benefits.	138
120	Award when inadmissible.	138
121	Determination of percentage of disability.	139
122	Amount of Disability Pension Award.	139
123	Amount of Award (EOP) to family.	139-140
124	Award to other members of the deceased family.	140
125	Date from which award to the family effective.	140
126	Continuance of award to widow or remarriage with her deceased husband's brother.	140
127	Procedure.	140-172

CHAPTER IX - PAYMENTS OF PENSIONS

128	Date from which pension becomes payable.	173
-----	--	-----

129	Currency in which pension is payable.	173
130	Manner of payment of gratuity and pension.	173
131	Date of payment of extra ordinary pension.	173
132	Application of Treasury Rules.	173
133	Personal appearance for identification.	173-174
134	Authorities for signing a life certificate.	174
135	Drawing of pension through an Agent.	174
136	Verification of continued existence of a pensioner once a year.	174-175
137	Drawing of pension through an authorised agent.	175
138	Transfer of payment to another State.	176
139	Transfer of payment from one Treasury to another or to a Sub Treasury under a District Treasury.	176
140	Certificate of non-employment.	176-177
141	Renewal of Pension Payment Order.	177
142	Issue of new Pension Payment Order on loss.	177
143	Lapses and Forfeiture.	177
144	Payment of difference of pension to the missing pensioner on his re-appearance.	177
145	Payment of arrears of pension of deceased pensioner without producing of usual legal authority.	177-178
146	Payment of arrears of pension of 'unheard of' pensioners.	178
147	Payment of arrears of family pension under second proviso to rule 61 in case of a missing Government servant.	178
148	No claim to pension of heirs when a Government servant dies before retirement or discharge.	178

CHAPTER X - FIXATION OF PAY OF RE-EMPLOYED PENSIONERS

149	Applicability.	179
150	Definitions.	179
151	Re-employment after superannuation or retiring pension.	179-180
152	Fixation of pay of re-employed pensioners.	180-184
153	Drawal of increments.	184
154	Personnel retiring on Invalid or Compensation pension.	184

155	Promotion / Transfer.	184
156	Allowances.	184
157	Special Pay on re-employment.	184
158	Leave and Leave Salary.	185
159	Gratuity, Death/ Retirement Gratuity.	185
160	Retrenched employees.	185
161	Extra-ordinary pension admissible during re-employment.	185
162	Pensioner to declare amount of pension to the appointing authority.	185-186
163	Details to be called for from the Head of Office/ Pensioner/ Director, Pension Department.	186
164	Authority competent to fix the pay.	186-188

CHAPTER XI – MISCELLANEOUS

165	Interpretation.	189
166	Power to relax.	189
167	Power to delegate.	189
168	Repeal and saving.	189-190

LIST OF APPENDICES

Appendices	Pages
I Rajasthan Civil Services (Commutation of Pension) Rules, 1996.	191-224
II The Rajasthan Pensioners Act, 1958 (Rajasthan Act No. 27 of 1958).	225-227
III Grant of Dearness Relief to State Government Pensioners.	228-268
IV The Rajasthan Civil Services (Medical Examination) Rules, 1996.	269-272
V Rules regulating the Compassionate Fund of the Government of Rajasthan.	273-281
VI Scheme for payment of pension of Rajasthan Government Civil Pensioners by Public Sector Banks.	282-301
VII Rules regulating the incidence of pay, allowances, pension etc. between the Rajasthan Government and the Central Government and other State Governments and vice versa.	302-304
VIII Instructions for Head of Office/ Department for timely finalisation of pension cases.	305-309
IX Pro-rata retirement benefits to Government Servants permanently transferred to Public Sector Undertakings, Autonomous Bodies etc.	310-333
Section I	
Permanent Transfer of Rajasthan Government Servants to the State Public Sector Undertakings and Autonomous Bodies.	311-318
Section II	
Conversion of Government Department/ Office into A State Autonomous Body or Public Sector Undertaking.	319-321
Section III	
Transfer of State Government employees to Central Autonomous Bodies/ Statutory Bodies, and vice-versa.	322-324
Section IV	
Formats	325-331
Section V	
Transfer of State Government employees to public enterprise under the control of the Government of India.	332-333

X	The Payment of Arrears of Pension and Commutation (Nomination) Rules, 1996.	334-340
XI	Action to be taken by retiring Government servants for timely authorisation of their pensions.	341-343
XII	Grant of Interim Relief to the State Government pensioners / Family pensioners.	344-345

FORMS

Form No.		Pages
1	Nomination for Retirement Gratuity/ Death Gratuity - when the Government servant has a family.	346-347
2	Nomination for Retirement Gratuity/ Death Gratuity - when the Government servant has no family.	348-349
3	Details of family.	350
4	Form of Option to workcharged employees governed by C.P.F. Rules.	351
5	Particulars to be obtained by the Head of Office from the retiring Government servant eight months before the date of his retirement.	352
5A	Details of particulars of Government servant under Form 5.	353
6	Form of Order of retirement.	354
7	Form of assessing pension and gratuity.	355-362
8	Form of letter to the Director, Pension Department, forwarding the pension papers of a Government servant.	363-364
9	Form of declaration by the Government servant for counting specified period of service.	365
9A	Form of Order of admitting service for pension or the basis of declaration etc. of the Government servant.	366
10	Form of letter to the member or members of the family of a deceased Government servant where valid nomination for the grant of death gratuity exists.	367
11	Form of letter to the member or members of the family of a deceased Government servant where valid nomination for the grant of death gratuity does not exist.	368
12	Form of application for the grant of death gratuity on the death of a Government servant.	369-370
13	Form of letter to the widow/ widower of a deceased Government servant for grant of Family Pension.	371
14	Form of application for grant of Family Pension on the death of a Government servant/pensioner.	372-373
14A	Form of details of particulars for family pension.	374
15	Form of application for grant of family pension when a pensioner is unheard for more than one year and the pension remained undrawn.	375
15A	Form of Affidavit in case of a missing pensioner.	376

15B	Form of Indemnity Bond in case of a missing pensioner.	377-378
16	Form of application for grant of Family Pension when a Government servant is unheard of for more than one year.	379
16A	Form of Affidavit in case of a missing Government servant.	380
16B	Form of Indemnity Bond in case of a missing Government servant.	381-382
17	Form of Application for ex-gratia grant under certain circumstances.	383-384
18	Form for assessing and authorising the payment of family pension and death gratuity when a Government servant dies while in service.	385-392
19	Form of letter to the Director, Pension Department, forwarding papers for the grant of family pension and death gratuity to the family of a Government servant who dies while in service.	393
20	Form of letter sanctioning Family Pension to the child or children of a retired Government servant who dies after retirement but does not leave behind a widow/ widower.	394-395
21	Form of letter sanctioning Family Pension to the child or children on the death or re-marriage of a widow/ widower who was in receipt of family pension.	396-397
22	Form of application for the grant of residuary gratuity on the death of a pensioner.	398-399
23	Form of medical certificate.	400
24	Form of certificate of verification of service for pension.	401
25	Form of application for permission to State Service Officers to accept commercial employment within a period of two years after retirement.	402-403

26	Statements for Monitoring and Reporting System (No. 1 to 4).	404-408
27	Form of application to Directorate of Estates/ P.W.D. for issue of No Demand Certificate in respect of Government accommodation.	409
27A	Form of certificate where no Government accommodation has been occupied by the Government servant.	410
28	Form of application to Treasury Officer for issue of N.D.C. in respect of Long term advances.	411-412
28A	Form of certificate by the Government servant where no L.T.A. has been taken by him.	413
29	Form of intimation regarding death of a pensioner where payment of family pension has been authorised to the widow/ widower.	414
30	Form of application by a pensioner for endorsement of particulars of spouse post retrial marriage.	415-416
31	Form of tentative Last Pay Certificate.	417-418
32	Form of certificate for counting officiating pay.	419
33	Form for sanctioning provisional pension/ F.P. and Retirement / Death Gratuity.	420-423

List of Forms appended to the relevant Chapters

- | | | |
|---|---|---|
| <ol style="list-style-type: none"> 1. Form of Indemnity Bond for payment of minor's share without production of guardianship certificate. 2. Form of application for family pension under Special Pensionary Awards – Annexure. 3. Form of Declaration under the Annexure above. 4. Form of application for Disability Pension under E.O.P. Rules. 5. Form of application for family pension under E.O.P. Rules. 6. Form of Report of Medical Board. 7. Form of Report of Medical Board on accident and self inflicted injuries. 8. Form of Report of Medical Board on other cases. | <div style="border-left: 1px solid black; border-right: 1px solid black; border-top: 1px solid black; border-bottom: 1px solid black; width: 20px; height: 150px; margin: 0 auto;"></div> | <p>Form 'A' to 'E'
in Schedule IV
to Chapter VIII</p> |
|---|---|---|

GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(RULES DIVISION)

NOTIFICATION

No. F.1(4)FD(Gr.2)/94

Jaipur, dated the Sept. 18, 1996

Subject : Rajasthan Civil Services(Pension) Rules, 1996.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules regarding the conditions of service of persons appointed to service and posts in connection with the affairs of Rajasthan.

CHAPTER I

PRELIMINARY AND GENERAL CONDITIONS.

A - PRELIMINARY.

1. Short Title and Commencement

- (1) These rules may be called the Rajasthan Civil Services (Pension) Rules, 1996.
- (2) They shall come into force with effect from 1.10.1996.

2. Application

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to Civil services and posts in connection with the affairs of the Rajasthan State which are borne on pensionable establishments, but shall not apply to -

- (a) persons in casual, daily rated and work-charged 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;
- (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; and
- ¹(g) Government servants appointed to the civil services of the State on or after the 1st day of January, 2004."

3. Definitions

- (1) In these rules, unless the context otherwise requires -
 - (a) 'allottee' means a Government servant to whom Government accommodation has been allotted;
 - (b) 'child' means a child of the Government servant, who, if a son, is under twenty five years of age and if a daughter, is unmarried and is under twenty five years of age and the expression 'children' shall be construed accordingly;

1. Inserted vide FD Notification No.F.15(7)FD(Rules)/97 dated 14.1.2004 w.e.f 1.1.2004.

- (c) 'Dearness relief' means relief as defined in rule 77;
- (d) 'Director, Pension' means Director, Pension and Pensioners Welfare Department, Rajasthan;
- (e) 'emoluments' means emoluments as defined in rule 45;
- (f) 'family pension' means family pension admissible under Chapter V C, but does not include Dearness Relief and Interim Relief;
- (g) '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;
- (h) 'Form' means a Form appended to these rules;
- (i) 'Government' means the State Government of Rajasthan;
- (j) 'Government dues' means dues as defined in sub rule (3) of rule 92;
- (k) 'gratuity' includes -
 - (i) 'service gratuity' payable under sub rule (1) of rule 54;
 - (ii) 'retirement gratuity/death gratuity payable under sub-rule(1) of Rule 55; and
 - (iii) 'residuary gratuity' payable under sub rule (2) of Rule 55.
- (l) 'Head of Department' means an authority specified in the General Financial and Accounts Rules of the Rajasthan Government and includes such other authority or person whom the Government may, by order specify as Head of a Department;
- (m) 'Head of Office' means a Gazetted Officer who is declared as such under Rule 3 of the General Financial & Accounts Rules, and includes such other authority or person whom the competent authority may, by order, specify as Head of Office;
- (n) '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 and direct control;
- (o) 'minor' means a person who has not completed the age of eighteen years;
- (p) 'pension' includes gratuity except when the term pension is used in contradistinction to gratuity; but does not include dearness relief and Interim Relief;
- (q) 'Pension Disbursing Authority' means -
 - (i) Treasury including sub-treasury, or
 - (ii) Pension Payment Officer, or
 - (iii) Branch of a nationalised bank.

- (r) 'qualifying service' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules;
- (s) 'retirement benefit' includes pension or service gratuity, and retirement gratuity where admissible;
- (t) 'Service Book' includes service roll, if any;
- (u) 'Treasury' includes a Sub Treasury.

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

B - GENERAL CONDITIONS.

4. 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 day of death shall also be treated as a working day.

Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under sub rule (1) of rule 53 and sub-rule (1) of rule 50, as the case may be, the date of retirement shall be treated as a non-working day.

5. 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) Two Government servants may not simultaneously count service in respect of the same office.

(3) 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.

6. 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 appointing authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred per mensem.

(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 appointing authority, such representation as he may wish to make against the proposal; and
- (b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(4) Where the authority competent to pass an order under sub rule (1) is the Governor, the Rajasthan 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 Rajasthan 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.

NOTE

This rule applies as well to family pension under Chapter V.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Stoppage or reduction of pension for reasons other than misconduct, not permissible.

Pensions are not in the nature of reward but there is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned its continuance depends on future good conduct (Rule 6 of R.C.S. (Pension) Rules, 1996), but it cannot be stopped or reduced for other reasons.

2. Intimation of cases of convicted pensioners.

Since under Rule 6 of R.C.S. (Pension) Rules, 1996, future good conduct is an implied condition of the grant of every pension and Government has the right to withhold or withdraw a pension or any part of it if the pensioner is convicted of a serious crime or found guilty of grave misconduct, it is necessary to ensure that cases where pensioners are convicted by a Court of any crime are also brought to the notice of the Government. The prosecuting officers should ensure the prompt intimation of such cases to the administrative departments and Heads of Departments concerned.

7. 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 Rajasthan 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 below the amount of "rupees one thousand two hundred seventy five per mensem."

(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 proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the 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 90 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.

1. The existing words "rupees three hundred per mensem" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f 1.10.1996.

(6) For the purpose of this rule, -

- (a) departmental proceedings shall be deemed to be instituted on the date on which the charges together with a statement of allegations on which they are based, or the proposal of Government to take disciplinary action together with the allegations on which it is proposed to be taken, are 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 proceeding, 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.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Scope of expression 'grave misconduct'

The term 'grave misconduct' is wide enough to include 'corrupt practice'. In cases where the charge of corruption is proved after pension has been sanctioned, action to withhold or withdraw pension may be taken under rule 7. In this connection the provisions of this rule (i.e. 7) are to be noted carefully.

The property or pecuniary resources in respect of which the departmental or judicial proceedings are instituted under Rule 7 of the R.C.S. (Pension) Rules, 1996, should have been in possession of the person concerned or of any other person on his behalf at any time within the period of four years before the institution of such proceedings, if the same were not instituted while the officer was on duty either before his retirement or during re-employment.

2. Consultation with R.P.S.C., a measure of safeguard for pensioners.

A question was raised whether the R.P.S.C. has to be consulted under Rule 7 only in cases which involve Gazetted Officers. It was held that the R.P.S.C. should be consulted in all cases before final orders to withhold or withdraw a pension or any part of it in terms of this rule are passed. This is a measure of safeguard for pensioners. Similarly the provision of departmental proceedings, if not instituted while the officer was on duty, should not be instituted save with the sanction of Governor is also for the pensioner's safeguard.

3. Governor's right to withhold or withdraw pension in full is absolute.

There is nothing in the language of Rule 7 to restrict the right of the Governor to withholding only a part of the pension in the case dealt with by this provision. On the other hand, the words "withholding or withdrawing a pension" clearly convey that the Governor is competent to withhold or withdraw the full pension. While to "restrict the amount of withheld pension to one third of the pension originally sanctioned" in the order may be applied in cases where the order is for recovery of losses from pension, it has no bearing on the question of Government's right to withhold or withdraw the pension and Government may order the full pension to be withheld or withdrawn.

4. Final order under Rule 7 will be issued in the name of the Governor.

(i) It is clarified that the function of the Disciplinary Authority is only to reach a finding on the charges and to submit a report recording its findings to the Government. It is then for the Government to consider the findings and take a final decision under Rule 7. In case Government decide to take action under Rule 7 in the light of the findings of the Disciplinary Authority, the Government will consult the Rajasthan Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order, necessary orders will be issued in the name of the Governor.

(ii) The procedure outlined in the preceding paragraph will also apply to a case where the Governor functions as the Disciplinary Authority.

5. Grant of cent per cent provisional pension under Rule 90 mandatory even if departmental or judicial proceedings are continued

The payment of provisional pension under these rules is mandatory. The view that in cases where the departmental proceedings instituted against a Government servant were for a major penalty and in which ultimately no pension might become payable on the conclusion of the proceedings after his retirement under Rule 7 of the R.C.S. (Pension) Rules, 1996, even the provisional pension need not be sanctioned, is against the letter and spirit of the rule. The provisional pension under Rule 90 *ibid* should not be denied to the retired Government servants.

Rule 90 provides that the provisional pension in such cases should not exceed the maximum pension which would have been admissible on the basis of the qualifying service up to the date of retirement of the Government servant. It has been decided that even in cases covered by the above mentioned rule, hundred per cent pension, which is otherwise admissible to the Government servants should be authorised as provisional pension, as in cases of normal retirement. No gratuity shall, however, be paid at this stage.

6. Minor penalty proceedings no effect on pension

Sub rule (1) of Rule 7 of the R.C.S. (Pension) Rules, 1996, confers on the Governor the right to withhold or withdraw the pension or a part thereof, either permanently or for specified period, and to order recovery from the pension, of the whole or a 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 on retirement. Sub rule (2) of this Rule provides that the departmental proceedings, referred to in sub rule (1), if instituted before the retirement of a Government servant or during his re-employment shall after his final retirement, be deemed to be proceedings under this Rule and shall be continued and concluded. Accordingly, the minor penalty proceedings and the major penalty proceedings, which are instituted against a Government servant while in service and which do not get concluded before the date of retirement, automatically become proceedings under Rule 7 *ibid*. However, since grave misconduct or negligence cannot be established as a result of minor penalty proceedings, action under Rule 7 *ibid* for withholding or withdrawing pension etc., cannot be taken against a pensioner in respect of whom minor penalty proceedings had been instituted and have been continued after retirement, therefore, do not literally have any effect on the pension in the matter of reducing or withholding of his pension. The disciplinary authorities should take note of this position and take steps to see that minor penalty proceedings instituted against Government servants, who are due to retire, are finalised quickly and in time before the date of retirement, so that the need for continuing such minor penalty proceedings beyond the date of retirement does not arise.

7. Disciplinary authority who instituted proceedings can drop them without submitting its findings to the Governor

The disciplinary authority which instituted the proceedings against the official before retirement, can drop the proceedings itself after superannuation of the official without submitting its findings to the Governor, if it, on the basis of the defence of the official or the report of the inquiring authority, comes to the conclusion that action under Rule 7 of the Pension Rules is not justified. There is no need to submit a report regarding the findings of the disciplinary authority to the Governor.

8. Disciplinary proceedings can continue after retirement even in case where there is no pecuniary loss to Government

(i) The question whether disciplinary proceedings pertaining to a serious or grave act of misconduct/negligence committed by a Government servant can be continued or instituted in terms of Rule 9 of C.C.S. (Pension) Rules, 1972, or other corresponding rules of the Central Government (corresponding to Rule 7 of R.C.S. (Pension) Rules, 1996), even if no pecuniary loss was caused to the Government, has been the subject matter of a number of Court/Tribunal cases. Because of the fact that divergent views were expressed by different Courts and the Benches of the Central Administrative Tribunal, this issue was referred to a Full Bench of the Central Administrative Tribunal, in case of Amarjit Singh V. Union of India (Administrative Tribunal Reporter 1988 (2) CAT 637). The Full Bench after examining the matter at length, have held that institution/continuance of the proceedings is not dependent upon any pecuniary loss being occasioned to the Government. Even in the absence of any pecuniary loss, the pension of a pensioner can be withheld or withdrawn in whole or part, after following the prescribed procedure, for an act of misconduct/negligence committed while in service.

(ii) The above ruling of the Full Bench of CAT is brought to the notice of all concerned so that the same is appropriately referred to in all those cases where interpretation of Rule 7 of R.C.S. (Pension) Rules, 1996 and other analogous rules is involved.

9. In accordance with Section 9-A of Rajasthan Pensions Act, 1958, it is permissible to effect recovery of Government dues outstanding against the Government servant at the time of retirement or that subsequently found to be outstanding out of the amount of gratuity/pension or both payable/paid to him or the members of his family, without obtaining the consent of the retired Government servant or the members of his family, as the case may be.

The sum due from the Government servant to an autonomous organisation is not Government dues and so cannot be recovered out of gratuity/pension payable by the Government except in cases where -

- (i) the Government servant has given his consent in writing to such a recovery being made from his gratuity which has become payable to him, or
- (ii) any sum is due from a Government servant on deputation to Rajasthan State Electricity Board.

8. Claim to pension when inadmissible

In the following cases no claim to pension is admitted:-

(a) When a Government servant is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.

(b) When a person is employed temporarily on monthly wages without specified limit of time or duty, but a month's notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month.

(c) When a person's whole time is not retained for the public service, but he is merely paid for work done for the State.

NOTE

This clause applies among others, to Government Advocates and other Law Officers not debarred from private practice.

(d) When a public servant holds some other pensionable office he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a compensatory or other allowance.

(e) When a Government servant serves under a covenant which contains no stipulation regarding pensions, unless Government specially authorise a Government servant to count such service towards pension.

NOTE

The agreements should be so worded as to preserve the inviolate the indefeasible right of Government to modify the rules from time to time, at their discretion, so that no claim may arise to the benefits of the Rules as they stood at the date when any particular agreement (covenant) was executed.

9. Commercial employment after retirement:-

(1) If a pensioner who, immediately before his retirement was a member of any State Service 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 by submitting an application in Form 25.

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, by order in writing, on the application made under sub rule (1) by a pensioner, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for 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 it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;
- (d) whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;
- (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.

NOTE

This would cover matters which may be in the knowledge of the Appointing Authority but are not covered by the criteria enumerated in the rule itself, as well as matters on which specific instructions may be issued by the Government from time to time supplementing the prescribed criteria.

(4) Where within a period of sixty 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:

Provided that in any case where defective or insufficient information is furnished by the applicant and it becomes necessary for Government to seek further clarifications and/or information from him, the period of sixty days shall be counted from the date on which the defects have been removed and/or complete information has been furnished by the applicant.

NOTE

The time limit of 60 days specified in Rule 9 (4) of RCS (Pension) Rules, 1996, should be counted only from the date when the application in the prescribed form is submitted with all the particulars called for therein. If defective or insufficient information is furnished by the applicant and it becomes necessary to make further reference to him, the time limit should be counted only when the defects are removed or complete information is furnished. While writing to the applicant calling for additional information or asking him to supply any omission or to rectify any defect, it should also be made clear to him that the time limit for deciding on his application will count only when he furnishes all the required particulars or supplies the omission or rectifies the defect(s) in his application.

(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 orders thereon as it deems fit:

Provided that no order other than an order cancelling such condition or granting such permission without any conditions 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 periods 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.

(8) In this rule,-

(a) the expression "commercial employment" means -

- (i) an employment in any capacity including that of an agent, under a company, cooperative 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 Central Government or a State Government;
- (ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters 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 the practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or
 - (C) has to undertake work involving liaison or contact with the offices or officers of the Government.

EXPLANATION - For the purpose of this clause, the expression "employment under a cooperative 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 post under the Government or in any other equivalent post under the Central or another State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Permission to negotiate for commercial employment while in service should not be given unless there are special reasons for doing so.

2. Employment with black listed firm shall not be considered

The fact that a firm is black listed by Government will be one of the factors which will render the employment to be considered as not being of a thoroughly reputable kind.

3. Employment with University not commercial

Since a University is not engaged in “trading, commerce, industrial or professional business”, employment therewith is not commercial employment within the meaning of Rule 9 of R.C.S. (Pension) Rules, 1996 and as such no permission for such employment is necessary.

4. Intimation required in case of retired gazetted officers other than State Service Officers accepting commercial employment

It has been decided by the Government that while gazetted officers other than State Service Officers may not be required to take prior permission of the Government for accepting commercial employment within two years of retirement, they should give an intimation to the Cadre Controlling Authority/Department in/or under which they served last before their retirement, if they take up any commercial employment, as defined in sub rule (8) of Rule 9 of the Rajasthan Civil Services (Pension) Rules, 1996, within two years of their retirement. While sending the intimation, they should also specify whether or not they have had any official dealing while in Government service, with the private employer, with whom they are taking up commercial employment.

10. Restriction on practice in Sales Tax and other cases after retirement

(1) No pensioner who, while in service, belonged to the Rajasthan Commercial Taxes Service, or who, having been a member of any other State Service retired from a post under the Department of Finance, shall set up practice before the expiry of two years from the date of his retirement -

- (a) in any area which was within the local limit of his jurisdiction during the last three years immediately before his retirement;
- (b) in areas other than those referred to in clause (a) without the previous sanction of the Governor;

(2) No pension shall be payable to such pensioner who sets up practice in contravention of sub rule (1) in respect of any period for which he has set up practice or such longer period as the Government may direct.

EXPLANATION - For the purposes of this rule, -

(i) the expression “practice” means practice, either independently or as a partner of a firm or a consultant or adviser in matters relating to Sales Tax or Central Sales Tax or Entertainment Tax, or as representative of assesses in proceedings under the enactment relating to the levy of such tax or duty;

(ii) the expression “date of retirement” shall have the same meaning as in sub rule (8) (b) of Rule 9.

11. Employment after retirement under a Government outside India

If a pensioner, who immediately before his retirement was a member of a State Service, wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the 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 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 employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment, under an International Organisation of which the Government of India is not a member.

CHAPTER II

QUALIFYING SERVICE

12. Commencement of qualifying service

(a) Except for compensation gratuity, a Government servant's service does not qualify till he has completed eighteen years of age.

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

13. Conditions subject to which service qualifies

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

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

The fact that arrangements are made for the recovery on the part of Government, of the whole, or part, of the cost of an establishment, or officer, does not affect the operation of this principle, provided that the establishment or officer is appointed, controlled and paid by the Government.

Service paid from Local Funds, Trust Funds, Fees and Commissions etc. does not qualify.

(3) In the case of a Government servant belonging to Central Government or any other State Government with whom the Rajasthan Government has entered into reciprocal arrangements, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the Central Government or that State Government in substantive, officiating or temporary capacity, 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.

14. Government's power to declare any service as qualifying service

Government may, however, declare that any specified kind of service or service rendered by a Government servant shall qualify for pension subject to such conditions as Government may think fit to impose.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. (1) The work charged employees who are absorbed/appointed to regular posts under Government from time to time may be allowed to exercise option to elect either to continue to contribute towards Contributory Provident Fund or to opt for pensionary benefits under Rajasthan Civil Services (Pension) Rules. On their electing to opt for pension rules, the period of service rendered by them as work charged employees while drawing pay in the pay scale prescribed for them excluding the period of Muster Roll (daily wages/casual labour) before appointment/absorption on regular post shall qualify for pension irrespective

of whether contribution to the Contributory Provident Fund, was made from their salary or not, and further irrespective of their date of absorption in Government service subject to the conditions laid down in para (2) below.

(2) In the case of a Government servant who opts for pension under the Rajasthan Civil Services (Pension) Rules, 1996, the following procedure shall be followed :-

- (a) The C.P.F. account of the concerned work charged employee shall be completed and closed; and
 - (i) the amount of subscription together with interest thereon standing to the credit of such Government servant in his Contributory Provident Fund on the date of option shall be transferred to his credit in the General Provident Fund.
 - (ii) the amount of contribution by the State Government together with interest thereon standing to his credit in the Fund on the above date shall be credited to the General Revenues.
- (b) The employee shall, in exchange, be entitled to count towards pension the service rendered by him as a work charged employee prior to such date, as if such service has been rendered in a pensionable establishment under the Government.

(3) The option has to be exercised in writing in Form 4 within a period of two months from the date of absorption/appointment to regular posts. Option once exercised shall be final. Those who do not exercise option within the aforesaid time limit shall be deemed to have opted for pension rules in lieu of the Contributory Provident Fund benefits. It should be noted that it is not sufficient for a Government servant to exercise option within the specified time but also to ensure that it reaches the prescribed authority within the time and that he obtains acknowledgement thereof. The option given by the Government servant may be pasted in the service book and an attested true copy of it be placed in his personal file. The option shall be communicated to the Head of Office. The option when received from a Government servant shall be countersigned by the authority which receives it.

(4) In the case of Government servants who were required to contribute under Contributory Provident Fund Rules as applicable to them prior to their absorption but who did not contribute during any period or spell after coming into force of the respective relevant Work Charged Employees Contributory Provident Fund Rules for one reason or another, they may be allowed to contribute for that period so that any intervening period may also be counted for pension.

(5) These orders shall also apply to work charged employees, governed by the work-charged Service Rules, 1964 (now repealed) or Standing orders issued by the respective departments and who have rendered at least ten years qualifying service and were drawing pay in pay scales applicable to them may be deemed to have been made regular for the purpose of grant of pension.

2. The services rendered by the employees serving in municipal schools or grant in aid private educational institutions or other voluntary bodies or institutions including water supply schemes managed by the municipalities or Panchayat Raj institutions prior to their take over by the Government may be counted for the purpose of pension under the Rajasthan Civil Services (Pension) Rules, 1996, subject to the fulfillment of the following conditions :-

- (i) The amount of contribution by the employer together with interest thereon standing to his credit in the Contributory Provident Fund account in the institution on the date of his transfer under Government shall be credited to the General Revenues of the State Government.
- (ii) The amount of subscription together with interest thereon standing to the credit of the employee in his Contributory Provident Fund account on the date of taking over of the institution will be transferred to his credit in a General Provident Fund account.
- (iii) The employee shall, in exchange, be entitled to count towards pension the service rendered by him in the aforesaid institutions prior to the date of taking over as if such service has been rendered in a pensionable establishment under the Government provided that the benefit of pensionable service shall accrue only in respect of the period or periods of service rendered in the institutions during which he subscribed to the Contributory Provident Fund.

1"3. The undersigned is directed to invite attention towards provisions contained in Government of Rajasthan's Decision No.1 appearing below Rule 14 of Rajasthan Civil Services (Pension) Rules, 1996, under which on absorption/appointment of work-charged employees on regular post, the period of service rendered by them as work-charged employees while drawing pay in the pay scales prescribed for them excluding the period of Muster-Roll service (daily wages/casual labour) is counted as service qualifying for pension, on their electing to opt for pension rules in lieu of Contributory Provident Fund or they are deemed to have opted for pension rules.

In pursuance of the judgements passed by the Hon'ble High Court and Supreme Court in few cases the matter has been reconsidered and in partial modification of the aforesaid decision the Governor has been pleased to order that on absorption/appointment of work-charged employees on regular post the period of service rendered by them as work-charged employees while drawing pay in the pay scales prescribed for them including continuous period of Muster-Roll service i.e. on daily wages/casual labours be counted as service qualifying for pension irrespective of whether deduction towards Contributory Provident Fund was made from their salaries or not.

This order shall come into force with immediate effect. Past cases already decided otherwise than in accordance with the provisions of this order shall not be reopened but pending cases including cases pertaining to the period prior to 1.10.1996 shall be finalised in accordance with the provisions of this order."

2"4. राज्य सरकार के इन्जीनियरिंग विभागों एवं वन विभाग के कार्यप्रभारित कर्मचारियों को अर्द्धस्थायी / स्थायी / नियमित घोषित होने के पश्चात् अधिशेष घोषित करने पर दिनांक 1.1.2004 एवं इसके पश्चात् राज्य सेवा में नियमित पदों के विरुद्ध समायोजित किया गया है। इस संबंध में विभिन्न विभागों द्वारा यह जानकारी चाही गई थी कि ये कर्मचारी नवीन अंशदायी पेंशन योजना के सदस्य होंगे अथवा राजस्थान सिविल सेवा (पेंशन) नियम 1996 के तहत शामिल होंगे।

इस संबंध में यह स्पष्ट किया जाता है कि ऐसे कार्यप्रभारित कर्मचारी जो अधिशेष घोषित होने से पूर्व अर्द्धस्थायी/ स्थायी / नियमित थे एवं वे राज्य सरकार के विभिन्न विभागों में नियमित पदों विरुद्ध सक्षम प्राधिकारी द्वारा समायोजित किये गये थे तो वे सभी कर्मचारी राजस्थान सिविल सेवा (पेंशन) नियम 1996 के तहत ही शासित होंगे।"

1. Inserted vide FD Memorandum No.F.1(12)FD(Rules)/96 dated 6.3.1997.
2. Inserted vide FD Circular No.F.1(12)FD(Rules)/96 dated 20.9.2006.

15. Counting of Service as Apprentice

Service as an apprentice shall not qualify for the purpose of pension.

16. Counting of service on probation

The service rendered as a probationer or on probation shall qualify for the purpose of pension.

17. Counting of service on contract

Service of an establishment paid from a Contract Establishment Allowance, with the detailed distribution of which the Government does not interfere, does not qualify whether such contract allowance is a fixed amount or consists of fees.

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 case his former service shall not count as qualifying service, or
- (b) to cease to draw his pension and refund -
 - (i) the pension already drawn,
 - (ii) the value received for the commutation of a part of pension, and
 - (iii) the amount of retirement gratuity including service gratuity, if any,

and count the previous service as qualifying service:

Provided that -

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

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

- (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 pension and retirement gratuity, if any, shall not be greater than the difference between the value of pension and retirement gratuity, if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

NOTE

The capital value of pension shall be calculated in accordance with the table prescribed by the Government under the Rajasthan Civil Services Pension (Commutation) 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 un-refunded gratuity shall be adjusted against the death gratuity which may become payable to his family.

GOVERNMENT OF RAJASTHAN'S DECISION

The provisions of above rule shall also be applicable in case of :-

- (i) Persons appointed as probationers against permanent posts,
- (ii) Persons recruited through Rajasthan Public Service Commission for appointment on temporary posts within their purview,
- (iii) Persons recruited strictly in accordance with Service Rules in case of temporary posts outside the purview of the Rajasthan Public Service Commission.

Action under sub rule (2) (a) shall be taken by the appointing authority simultaneously with the appointment order.

19. Counting of military service rendered before civil employment

(1) (i) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment had rendered military service after the age of eighteen years which is pensionable under military rules but which terminates before a pension has been earned in respect of it, may count such previous military service as qualifying service, at his option to be exercised within three months of date of joining civil service or post, subject to the condition that-

- (a) he shall be required to refund the bonus and/or gratuity received in respect of his earlier military service, in monthly instalments not exceeding thirty six in number, alongwith interest @ 6 % per annum from the date of his joining service under the State Government the first instalment beginning from 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.

- (ii) In the case of a Government servant, who, having elected to refund the bonus and/or gratuity, dies before the entire amount is refunded, the un-refunded amount of bonus and/or gratuity shall be adjusted against the death gratuity which may become payable to the family.
- (iii) When an order is passed under this rule allowing previous military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military and civil service provided it does not exceed two years.

(2) Service pensionable under military rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under Civil Rules.

GOVERNMENT OF RAJASTHAN'S DECISION

1. The concerned appointing authority would be competent to allow counting of previous military service subject to the conditions laid down in rule 19.

¹2. The Governor is pleased to order that the provisions of Rule 19 of Rajasthan Civil Services (Pension) Rules, 1996 shall also be applicable to a Government servant who was initially re-employed as work-charged employee and subsequently taken/appointed in civil service or post and who, before such re-employment, had rendered military service which is pensionable under military rules, but which terminated before a pension has been earned in respect of it.

Such existing Government servants shall be required to exercise their option for counting of military service with civil service, as envisaged in the aforesaid rules, within a period of three months from the date of publication of this order in the Rajasthan Rajpatra."

AUDIT INSTRUCTION

The charges on account of the pensionary liability in respect of the qualifying service that may be added under the above order shall be debited to the Rajasthan State in accordance with the general principles of allocation laid down in Accounts Code Volume-I.

20. Counting of periods spent on leave

(1) All leave during service for which leave salary is payable shall count as qualifying service.

(2) Extra ordinary leave i.e. leave without pay and allowances, shall count as qualifying service only if taken in any of the circumstances mentioned below :-

- (i) on medical certificate granted by the Authorised Medical Attendant;
- (ii) for prosecuting higher scientific and technical studies;
- (iii) due to the inability of the Government servant concerned to join or rejoin duty due to civil commotion or a natural calamity.

1. Inserted vide FD order No.F.15(7)FD(Rules)/97 dated 24.1.2001

GOVERNMENT OF RAJASTHAN'S DECISIONS

Every order for grant of extra ordinary leave to a Government servant should specify the purpose for which leave has been taken and as to whether the period would qualify for pension under this rule. An entry to this effect should also be made in the Service Book, alongwith the issue of the order.

21. Counting of periods spent on training

(1) The Government may, by order, decide whether the time spent by a Government servant (including a person in training for, but not actually appointed to Government service) under training shall count as qualifying service.

(2) When a Government servant is deputed out of India on duty, the whole period of his absence from India counts. When a Government servant on leave out of India is employed or is detained after termination of his leave on duty, the period of such employment or detention counts.

GOVERNMENT OF RAJASTHAN'S DECISION

Training period of the following category of employees who are required to undergo departmental training relating to jobs before they are put on regular employment, may be treated as qualifying service for pension, if the training is followed immediately by an appointment. This benefit will be admissible even if the employees concerned are not given the scale of pay of the post but only a nominal allowance during training:-

1. Patwaries of Revenue, Settlement and Irrigation Departments.
2. Rangers of Forest Department.

22. Counting of periods of suspension

The period of suspension shall count as service qualifying for pension if no specific order otherwise has been passed by the disciplinary authority in the order of penalty. If in the order of penalty specific order to the treatment of period of suspension regarding counting of qualifying service for pension has been passed by the disciplinary authority provisions of that order shall be operative for this purpose.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Need for making proper entries for counting of periods of suspension

Rule 22 of R.C.S. (Pension) Rules, 1996, requires that in cases other than those in which suspension has been held to be wholly unjustified the competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in the service book/records will be taken note of at the time of reckoning qualifying service.

2. Suspension should be held wholly unjustified when the proceedings end with minor penalty

Where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of minor penalty, the suspension can be said to be wholly unjustified in terms of rule 54 of R.S.R. and the period of suspension should be counted as qualifying service by passing a suitable order under rule 54 of Rajasthan Service Rules.

23. Forfeiture of service on dismissal or removal

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

GOVERNMENT OF RAJASTHAN'S DECISION

The termination of service under the terms of appointment for failure to pass a prescribed examination will not amount to dismissal or removal within the meaning of this rule. A Government servant whose services are terminated for failure to pass a prescribed examination and who is appointed to another post without any break, will count his previous service towards pension.

24. 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.

25. Forfeiture of service on resignation

(1) Resignation from a service or a post, 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 admissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Release of Government servants for appointment in Public Sector Enterprises etc.

A Government servant who has been selected for a post in a Public Sector Enterprise/Autonomous Body or other institutions as are referred to in rule 33 and Appendix IX may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in any of those organisations with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as are admissible under the rules 33, 34 and Appendix IX.

2. Procedure to be followed when benefit of past service is allowed

Under rule 25 (2) of Rajasthan Civil Services (Pension) Rules, 1996, resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not resignation from public service. In such cases, the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits under Rule 25 (2) will be admissible to him. The contents of the above order should also be noted in the service books of the individuals concerned under proper attestation. The issue of any separate sanction is not necessary.

26. 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;
- (f) abolition of office or loss of appointment owing to the reduction of establishment.

NOTES

- 1. A Government servant who is discharged on the abolition of an appointment is entitled to the benefit of clause (f) of this rule even though the appointment abolished may not have been that which he held or even one of the particular establishment on which he was actually serving.
- 2. A period of overstay of leave does not count for pension.
- 3. Previous service of a Government servant would be forfeited if the new post to which he is transferred was not created until he joined it; in that case condonation under rule 27 would be required.
- 4. Joining time does not qualify if no allowances are paid during that period.

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

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Treatment of wilful absence from duty.

In accordance with Government of Rajasthan's Decision No.1 below Rule 86 of Rajasthan Service Rules, wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as "dies non" for all purposes, viz., increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers under rule 26 (2) of R.C.S. (Pension) Rules to treat the period as extra ordinary leave, the entire past service will stand forfeited.

2. The power under this rule to commute retrospectively periods of absence without leave into extra ordinary leave is absolute, the purpose of the rule being merely to obviate for purposes of pension, the forfeiture of past service.

27. Condonation of interruption in service.

- (1) (a) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of civil service rendered by a Government servant under Government shall be treated as automatically condoned and the pre interruption service treated as qualifying service.

¹"Provided that –

- (i) in no case the total break beyond the period of two years shall be condoned.
- (ii) in each case of interruption in service the appointing authority shall issue show cause notice of 15 days duration to the respective employee and take into consideration his representation, if any. Thereafter, the appointing authority shall take decision on merit of the case whether the period of service rendered prior to interruption shall qualify for pension or not. In case the appointing authority decides that the period of service prior to the interruption shall not be counted as qualifying service for pension, then he shall be required to make an entry in the service book. Otherwise the period of service rendered prior to interruption shall be automatically counted as service qualifying for pension.
- (iii) in case of participation in strike by a Government servant, the appointing authority shall issue show cause notice of 15 days to the respective employee. If after considering the representation or otherwise it is proved that the respective employee has actually participated in the strike, the entry for the period of strike shall be made in Service Book of the employee."
- (b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.
- (c) The period of interruption referred to in clause (a) shall not count as qualifying service.

(2) Notwithstanding anything contained under sub rule (1), the Government may condone interruption in service of a Government servant, upon such conditions as it may think fit in each case to impose, in such a manner as may appear to it to be just and equitable.

1. Inserted vide FD Notification No.F.15(7)FD(Rules)/97 dated 28.10.2002 w.e.f. 1.10.1996.

NOTES

1. The powers of condonation under this rule carry with them the power of reviving service rendered prior to interruptions but forfeited.

2. In case past service is allowed to be counted for pension, the Government servant will be required to refund the amount of retirement benefits obtained together with interest @ 12% per annum at simple rates from the date of receipt of such benefits till the date on which the refund is made.

¹3. Deleted

GOVERNMENT OF RAJASTHAN'S DECISION

The Government have delegated full powers to condone the interruption in service either between two spells of permanent service or between permanent/temporary or two spells of temporary services, caused on account of resignation, to the Administrative Departments of the Government, subject to the following conditions :-

- (i) The interruption should have been caused by reasons beyond the control of the Government servant concerned,
- (ii) Service preceding the interruption should not be less than 5 years duration and in cases where there are two or more interruptions the total service pensionary benefits in respect of which will be lost if the interruptions are not condoned, should not be less than five years; and
- (iii) The interruption should not be more than one year's duration. In case where there are two or more interruptions, the total of the periods of all interruptions that are condoned should not exceed one year.

28. Period of deputation to United Nations and other organisations

A Government servant deputed on foreign service, for a period of five years or more, to the United Nations' Secretariat or other United Nations' Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, or the Asian Development Bank or the Commonwealth Secretariat, may at his option -

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

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

1. The existing 'Note 3' deleted as under vide FD Notification No.F.15(7)FD(Rules)97 dated 28.10.2002 w.e.f. 1.10.1996.

"3. In case of a Government servant in teaching side in school/college who on his subsequent re-appointment to the same post is entitled to draw vacation salary in accordance with provisions contained in para 1 of Government of Rajasthan Decision No.1 below Rule 97 of Rajasthan Service Rules, the condonation of interruption between his temporary service and permanent/temporary service for the purpose of pension shall be covered in sub rule 1 (a) provided that the break is caused due to delay in issue of appointment orders and provided further that the break does not exceed one month."

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

29. Verification of qualifying service after 25 years service, or 5 years before retirement

(1) On a Government servant completing twenty-five years of service or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office, in consultation with the senior most member of the Rajasthan Accounts Service posted in the Department, shall, in accordance with the rules for the time being in force, verify the service rendered by such a 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, the verification of his service may be done whenever such event occurs.

(3) The verification done under sub-rule (1) and (2) shall be subject to the final verification of qualifying service which shall be made at the time of the retirement of the Government servant.

GOVERNMENT OF RAJASTHAN'S DECISION

Strict compliance of the requirements of sub-rule (1)

Sub rule (1) of Rule 29 of the R.C.S. (Pension) Rules, 1996, provides that on a Government servant completing twenty five years of service, or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office in consultation with the senior most member of the Rajasthan Accounts Service, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in the prescribed Form 24, the period of qualifying service so determined.

These provisions have statutory force, and therefore the qualifying service should invariably be communicated to the Government servant as required under the rules. All Heads of Departments are required to ensure its strict compliance by the Heads of Offices. If any Head of Office does not comply with the requirements of the aforesaid rule, the Head of Office will be held personally accountable.

CHAPTER III

CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

30. Superannuation Pension

A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement under rule ¹"56" of Rajasthan Service Rules.

NOTE

Government pleaders are not subject to the operation of this rule.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. No specific orders are necessary for retirement on due date.-

(1) A question has been raised whether the retirement of a Government servant is automatic on the date on which he attains the age of compulsory retirement or some specific order by a competent authority is necessary specifying the date on which he should retire.

(2) The rules regulating the age of superannuation or the terms and conditions of service provide for the compulsory retirement of a Government servant on his attaining a specific age or completion of a specified period of service. In all such cases retirement is automatic and in the absence of specific orders to the contrary by the competent authority a Government servant is deemed to have retired on the due date. It is, however, desirable that the administrative authorities concerned ensure that the Government servants under their control are served with a formal order of retirement. The date of compulsory retirement of a Government servant is known in advance and there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record showing on the 1st of January of every year the names of persons due to retire during the next five years, and take such appropriate action as may be necessary for issue of formal orders of retirement one year in advance of the due dates. This is specially necessary because some low paid employees themselves genuinely forget what is their date of superannuation.

(3) At the same time, a Government servant cannot take advantage of the non receipt of formal orders regarding his relief, etc., to say that he has been granted an extension of service. If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, it is his responsibility also that he should bring the fact that he is attaining the age of superannuation after which he has to retire, to the notice of the Head of the Office in which he is serving or if he himself is the head of office to that of his immediate superior. Unless he receives specific orders that he should continue in service he should make over charge on the due date to the head of the office (or such officer as may be nominated by the latter), or if he is himself the Head of the Office to the next senior most officer in the office who would normally be placed in charge of the office in his absence.

(4) If any Government servant continues on his post after attaining the age of superannuation contrary to the above instructions, payment of any dues to him for the period he so remains will not be a liability of the State Government.

1. The existing figure "56 A" substituted vide FD Notification No.F.15(6)FD(Rules)97 dated 27.6.1998.

2. (1) Government are as a matter of policy averse to the grant of extension of service to superannuated Government servants save in cases of the most exceptional nature. They consider that where due to the shortage of trained and experienced personnel, it is deemed essential in the public interest to retain the service of a Government servant about to be superannuated, the proper procedure would be to retire the Government servant concerned and offer him re-employment for a limited period. Proposal for the grant of extension of service should, therefore, be made only in cases where the expedient of re-employment after retirement, is, for some exceptional and unavoidable reasons (to be stated) not found practicable.

(2) All cases of proposed extension or re-employment should be referred to the Department of Personnel as provided in rule 151. The reference should be made at least three months in advance of the crucial date.

3. In the case of a Government servant for whom an order of extension of service or re-employment for a specified period has actually been brought into effect, the service cannot, except on disciplinary grounds, be terminated prematurely before the expiry of the specified period unless he has been expressly told that his service may be terminated at any time during the period by giving notice or otherwise.

AUDIT INSTRUCTION

When a Government servant is required to retire, revert, or cease to be on leave on attaining a specified age, the day on which he attains that age is reckoned as a non-working day and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day.

ADMINISTRATIVE INSTRUCTION

Relinquishment of charge on a holiday. - A question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Government servant when the day on which he is due to retire happens to be a closed holiday. Since a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

In cases in which handing over of cash, stores, etc. is involved, these may be made over by the retiring officer, to the next senior officer of the Department present on the close of the previous working day. The actual relinquishment of charge of office shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

31. Combined appointments

A Government servant holding two or more separate appointments may not, save with the express sanction of Government in the Finance Department, resign one or more of such appointments on a pension without retiring from the public service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service altogether; but in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

32. 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 Rules 50 and 53 of these rules, or
- (b) to a Government servant who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of Rule 52 of these rules.

GOVERNMENT OF RAJASTHAN'S DECISION

Date of effect - The orders regarding retirement on the last day of the month will not apply to cases of premature retirement.

33 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.

(For detailed orders on permanent transfer of Government servants to above bodies, see Appendix IX).

34. Payment of lump sum amount to persons on absorption in or under a corporation, company or body

Where a Government servant referred to in Rule 33 elects the alternative of receiving the retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the 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 Rajasthan Civil Services (Commutation) Rules; and
- (b) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension to be worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

35. 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, or for the particular branch of it to which he belongs.

(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 Gazetted Government servant and of a non gazetted Government servant whose pay, as defined in Rule 7(24) of R.S.R., exceeds ¹"eight thousand" rupees per mensem.
- (b) Civil Surgeon or a District Medical Officer or Medical Officer or equivalent status in other cases.

Note: 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 a lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(5) 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 his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the Head of Office or Department in which the applicant is employed with a statement of what appears from the official records to be the applicant's age. Where the applicant has a service book, the age therein recorded should be reported.

NOTE

The Government has issued the Rajasthan Civil Services (Medical Examination) Rules, 1996 for medical examination of Government servants suffering from contagious diseases or physical or mental disability interfering with the efficient discharge of their duties; and other connected matters.

²CLARIFICATION

Under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 a Government servant with less than 10 years of qualifying service can be retired on invalid pension, compensation pension and compulsory retirement pension respectively.

Under Rule 3(p) of Rajasthan Civil Services (Pension) Rules, 1996 'Pension' includes gratuity except when the term pension is used in contradistinction to gratuity and under Rule 3(k)(i) 'Gratuity' includes service gratuity.

A doubt has been raised regarding the applicability of provisions of Rajasthan Civil Services (Pension) Rules, 1996 whether a Government servant who is retired under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 with less than 10 years of qualifying service is entitled to pension or service gratuity.

In this regard the relevant provisions as contained in Rule 122(3)(b) of Rajasthan Civil Services (Pension) Rules, 1996 are reproduced below: -

"If the employee eligible for disability pension under these Rules is invalidated/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996."

1. The existing words "two thousand and two hundred" substituted vide FD Notification No.F.15(3)FD(Rules)97 dated 20.5.1999 w.e.f. 1.10.1996.
2. Inserted vide FD Clarification No. F.15(1)FD(Rules)/97 dated 23.03.2007

Accordingly it is clarified that in any kind of retirement with less than 10 years of qualifying service only service gratuity shall be admissible under Rule 54(1) of Rajasthan Civil Services (Pension) Rules, 1996 and in such cases on the death of a retired Government servant, no family pension shall be payable to the family of the deceased retired Government servant under provisions contained in Rule 61(b) of Rajasthan Civil Services (Pension) Rules, 1996.”

36. Special precaution in the Police

District Superintendents of Police should be on their guard against endeavours to retire on Invalid Pension by Government servants who are capable of serving longer.

37. Restriction

(1) A Government servant discharged on other grounds has no claim to Invalid Pension, even though he can provide medical evidence of incapacity for service.

(2) If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the appointing authority to decide what reduction should be made on this account.

NOTE

1. Unsoundness of mind caused by drug habit is a sufficient cause for invaliding a Government servant.

2. The expression “irregular or intemperate habits” occurring in this rule refers to incapacity on account of disease resulting from immoral habits. Cases where incapacity occurs due to other cases e.g. work at irregular hours due to exigencies of service and not due to own volition do not come under the purview of this rule.

38. Compensation Pension

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

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

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

(4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government 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.

NOTES

1. If a Government servant is transferred to a non-qualifying appointment in the interest of public service and under the orders of a competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.

2. "Pay and allowances" in this rule means the pay and allowances or leave allowances (or partly the one, partly the other) which the Government servant would be receiving during the period in question had the notice not been given to him.

3. If no pay in lieu of discharge is paid, the pension should take effect from the date of discharge.

4. A permanent Government servant served with notice of discharge shall suffer no reduction in his total emoluments for three months counting from the date of the notice.

5. The pay and allowances paid in lieu of notice on abolition of an appointment should be charged to the particular department to which the pay of the appointment was debited before its abolition.

6. The term "Pension" as used in sub rule (4) of this rule includes gratuity.

GOVERNMENT OF RAJASTHAN'S INSTRUCTION

Rule 38 (1) (b) of the Rajasthan Civil Services (Pension) Rules provides that when a Government servant is selected for being absorbed on a lower post owing to the abolition of the post held by him, the employee should be intimated the pay being offered to him on his appointment to the new post as required by clause (b) of the said Rule. Instead of intimating the pay offered, the Government is moved for protection of pay the employee was last drawing while holding the permanent post. It is to state that when a post is abolished, the permanent incumbent should as far as possible be absorbed on an equivalent post. On appointment to an equivalent post, his pay should be fixed on the principles laid down under Rule 26(a) (ii) of the Rajasthan Service Rules.

In case where it is not possible to absorb an employee on an equivalent post, the employee should be given two options as mentioned in the said Rule namely (i) taking the compensation pension or gratuity to which he is entitled for the service already rendered or (ii) accepting another appointment on such pay as may be offered. In regard to the pay to be offered on the new post, since the employee does not retain any substantive pay on abolition of his permanent post, he will be treated a fresh employee for the purpose of initial fixation in the new post. The Government, can, however, fix his pay at a stage higher than the minimum of the pay scale but not exceeding the last pay drawn by the employee. This pay, however, would be further limited to the maximum of the scale of the new post to which he is appointed.

1st CLARIFICATION

Under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 a Government servant with less than 10 years of qualifying service can be retired on invalid pension, compensation pension and compulsory retirement pension respectively.

Under Rule 3(p) of Rajasthan Civil Services (Pension) Rules, 1996 'Pension' includes gratuity except when the term pension is used in contradistinction to gratuity and under Rule 3(k)(i) 'Gratuity' includes service gratuity.

A doubt has been raised regarding the applicability of provisions of Rajasthan Civil Services (Pension) Rules, 1996 whether a Government servant who is retired under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 with less than 10 years of qualifying service is entitled to pension or service gratuity.

In this regard the relevant provisions as contained in Rule 122(3)(b) of Rajasthan Civil Services (Pension) Rules, 1996 are reproduced below: -

"If the employee eligible for disability pension under these Rules is invalidated/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996."

Accordingly it is clarified that in any kind of retirement with less than 10 years of qualifying service only service gratuity shall be admissible under Rule 54(1) of Rajasthan Civil Services (Pension) Rules, 1996 and in such cases on the death of a retired Government servant, no family pension shall be payable to the family of the deceased retired Government servant under provisions contained in Rule 61(b) of Rajasthan Civil Services (Pension) Rules, 1996."

39. Discharge to make room for better qualified person will not be treated as abolition

The discharge of one Government servant to make room for another better qualified is not the abolition of an appointment within the meaning of Rule 38.

40. Non-admissibility of Pension on discharge after completion of specified term of service

No pension is admissible to a Government servant for the loss of an appointment on discharge after the completion of the specified term of service.

41. Discharge within the period of contract

Whenever it is found necessary to determine the service of an employee serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the employee in writing.

42. 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 compulsory retirement.

1. Inserted vide FD Clarification No. F.15(1)FD(Rules)/97 dated 23.03.2007

(2) Whenever in the case of a Government servant, the Governor passes an order (whether original, appellate or in exercise of powers of review) awarding a pension less than the full compensation pension admissible under these rules, the Rajasthan 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 amount of ¹"Rupees one thousand two hundred seventy five per mensem."

GOVERNMENT OF RAJASTHAN'S DECISION

Guiding principles for reduction of pensionary benefits under rule 42.

Rule 42 prescribes the limit for retirement benefits which would be admissible to a Government servant on whom the penalty of compulsory retirement may be imposed. This form of penalty has been introduced to provide for cases in which the continuance of a Government servant in service is considered to be undesirable but the extreme penalty of removal or dismissal, with the consequent loss of pension, is considered to be too severe.

The intention is that persons on whom the penalty of compulsory retirement is imposed should ordinarily be granted the full compensation pension and retirement gratuity, admissible on the date of compulsory retirement. Where, however, the circumstances of a particular case so warrant, the authority competent to impose the penalty of compulsory retirement may make such reduction in the pensionary benefits, within the limits prescribed, as it may think appropriate. The reduction can be made either in the retirement gratuity or in the pension or in both.

²CLARIFICATION

Under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 a Government servant with less than 10 years of qualifying service can be retired on invalid pension, compensation pension and compulsory retirement pension respectively.

Under Rule 3(p) of Rajasthan Civil Services (Pension) Rules, 1996 'Pension' includes gratuity except when the term pension is used in contradistinction to gratuity and under Rule 3(k)(i) 'Gratuity' includes service gratuity.

A doubt has been raised regarding the applicability of provisions of Rajasthan Civil Services (Pension) Rules, 1996 whether a Government servant who is retired under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 with less than 10 years of qualifying service is entitled to pension or service gratuity.

In this regard the relevant provisions as contained in Rule 122(3)(b) of Rajasthan Civil Services (Pension) Rules, 1996 are reproduced below: -

"If the employee eligible for disability pension under these Rules is invalided/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996."

Accordingly it is clarified that in any kind of retirement with less than 10 years of qualifying service only service gratuity shall be admissible under Rule 54(1) of Rajasthan Civil Services (Pension) Rules, 1996 and in such cases on the death of a retired Government servant, no family pension shall be payable to the family of the deceased retired Government servant under provisions contained in Rule 61(b) of Rajasthan Civil Services (Pension) Rules, 1996."

1. The existing words "rupees three hundred per mensem" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f 1.10.1996.
2. Inserted vide FD Clarification No. F.15(1)FD(Rules)/97 dated 23.03.2007.

43. Compassionate allowance

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

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

(2) A compassionate allowance sanctioned under the proviso to sub rule (1) shall not be less than the amount of ¹"Rupees one thousand two hundred seventy five per mensem."

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Guiding principles for the grant of Compassionate Allowance

It is practically impossible in view of the wide variations that naturally exist in the circumstances attending each case, to lay down categorically precise principles that can uniformly be applied to individual cases. The grant of compassionate allowance under this rule is a matter entirely for Government's discretion. In exercising this discretion, each case has, therefore, to be considered on its merits and a conclusion has to be reached on the question whether there are any such extenuating features in the case as would make the punishment awarded, though it may have been necessary in the interests of Government, unduly hard on the individual. In considering this question it has been the practice to take into account not only the actual misconduct or course of misconduct which occasioned the dismissal or removal of the Government servant, but also the kind of service he has rendered. Where the course of misconduct carries with it the legitimate inference that the Government servant's service has been dishonest, there can seldom be any good case for a compassionate allowance. Poverty is not an essential condition precedent to the grant of compassionate allowance, but special regard is also occasionally paid to the fact that the Government servant has a wife and children dependent upon him, though this factor by itself is not, except perhaps in the most exceptional circumstances, sufficient for the grant of a compassionate allowance.

2. In order to avoid delay in the payment of compassionate allowance, the following procedure should be adopted in cases relating to Government servants removed from service:-

- (i) On receipt of the orders of the competent authority removing a Government servant from service for misconduct, insolvency or inefficiency, the Head of the Office, if he proposes to recommend the grant of a compassionate allowance, should fill in the application for pension and send to the Director, Pension Department, Rajasthan, for report on the title of pension. The Head of the Office should not wait for an application from the Government servant.
- (ii) If the competent authority in issuing orders of removal states that a certain proportion of the invalid pension be granted as compassionate allowance, no further sanction to pension is necessary, and all that is required is that the Director, Pension Department, Rajasthan should certify to the admissibility of the pension on a pension application completed and signed by the Head of the Office as provided in clause (i) above.

1. The existing words "rupees three hundred per mensem" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f 1.10.1996.

AUDIT INSTRUCTIONS

A compassionate allowance is not “a pension which is certified by the Director, Pension Department to be clearly and strictly admissible under rule” and, therefore, the provisions of Rule 87 are not applicable to such allowance.

44. Rules regulating the Compassionate Fund

The rules regulating the grant of awards from the Compassionate Fund of Government of Rajasthan to the family of a Government servant left in indigent circumstances through the premature death of the person upon whom they depended for support are embodied in Appendix V.

CHAPTER IV

EMOLUMENTS

45. Emoluments

The expression "emoluments" used for the purposes of Pension, Service Gratuity and Retirement/Death Gratuity means pay as defined in Rule 7 (24) of Rajasthan Service Rules which a Government servant was receiving immediately before his retirement or on the date of his death:

Provided that special pay (excluding dual charge allowance)/ Non-practising Allowance/Non Clinical Allowance and Rural Allowance drawn by a Medical Officer shall be treated as part of pay on the basis of average of last ten months immediately before the date of retirement.

¹"Provided further that the amount of Dearness Allowance admissible on basic pay at the time of retirement/ death of a Government servant, as the case may be, shall be treated as part of emoluments for the purpose of grant of retirement gratuity/ death gratuity."

NOTES

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 purposes of this rule:

Provided that any increase in pay (other than the increment referred to in Note 15) which is not actually drawn shall not form part of his emoluments.

2. If a Government servant had been under suspension immediately before his retirement or otherwise and the departmental or judicial proceedings have not been concluded and final orders passed thereon, the emoluments which he drew immediately before his being placed under suspension, shall be taken into account for the purpose of grant of provisional pension under rule 90 of these rules.

3. The officiating pay drawn by a Government servant immediately before the date of his/her retirement shall be taken into account for the purpose of emoluments under this rule provided that the appointment to the higher post on an officiating basis while holding the lower post in substantive or officiating or temporary capacity was not made in leave vacancy or to hold charge of the higher post temporarily in addition to the duties of his own post.

Certificate on the pension papers under this note for counting officiating pay, will not be necessary where a Government servant has been granted one of the selection scales as provided in Finance Department Order No. F.20(1)FD(Gr.2)/92 dated 25.1.1992 as amended from time to time.

4. The benefit of counting officiating pay under this rule shall not be allowed to a Government servant when a person senior to him would have been posted on the higher post unless the senior person was specifically superseded by the Government servant who retires.

1. The existing second proviso to rule 45 substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f 1.1.1997.

"Provided further that the elements of Dearness Allowance admissible on basic pay under F.D. Order No.F.13(1)FD(Gr.2)/86-I dated 5.10.1993 shall also be treated as part of emoluments for the purpose of grant of retirement gratuity/ Death gratuity."

5. All pension sanctioning authorities are required to ensure that the certificate necessary under Note 3 of this rule is invariably given in the pension application form itself. Besides, the substantive pay of a Government servant should also be indicated in the pension application form so that in the absence of completion of the formalities under Note 3 of this Rule, the pension could be released on the basis of the substantive pay pending its revision on receipt of the required certificate referred to above.

6. One of the main causes of delay in disposal of pension cases is non submission of the required certificate under Note 3 alongwith the pension papers. Where a Government servant has drawn the officiating pay for a period of one year or more immediately before his retirement, his pension may be reckoned on the basis of his officiating pay even though the required certificate under Note 3 has not been recorded or sent by the pension sanctioning authority alongwith his pension papers to the Director, Pension Department, Rajasthan. The Director, Pension Department would, however, while releasing pension in such cases, simultaneously address a communication to the concerned pension sanctioning authority to furnish the required certificate within a period of one month and would also make it clear to the pension sanctioning authority that in the event of any overpayment of pension due to non-submission of the certificate as required under Note 3, it will be solely his personal responsibility and the resultant excess amount so paid, if any, would be recoverable from him.

All pension sanctioning authorities should ensure that the certificate required under Note 3 is invariably sent alongwith the pension papers as far as possible and where for certain inexplicable reasons the certificate is not given in the type of cases referred to above, the required certificate will be invariably sent within a period of one month after the release of Pension on receipt of communication from the Director, Pension Department, Rajasthan, in this behalf.

7. Where a Government servant was appointed to officiate in a leave vacancy, the question which post should be considered as the substantive/temporary post (where some of the cadre post carry special pay) in which the Government servant would have remained if he had not been appointed to officiate in leave vacancy is one which can only be decided by the competent appointing authority with reference to actual facts, irrespective of the specified post actually held immediately before the officiating appointment and irrespective whether the Government servant is actually allowed a lien on a particular post or on a post in the cadre.

8. The Special Pay, if any, granted for performance of additional duties of a post in addition to duties of his own post shall not be taken into account for the purposes of this rule.

9. The special pay drawn on an ex-cadre post shall count as part of pay under this rule in respect of a Government servant who while holding the ex-cadre post draws it in addition to his cadre pay.

Provided that the appointment to the ex cadre post was not made in a leave vacancy or to hold charge of the post temporarily in addition to the duties of own post.

10. The literacy allowance drawn by Police Constables and other staff is of the nature of Special Pay and shall count as part of emoluments for pension and gratuity.

11. Special pay granted to a State Government servant by the Central Government for part time service shall not count as emoluments for pension, as the liability which the Government of India agreed to bear was limited to special pay and they do not agree to allow the special pay to be taken into account for calculating emoluments.

12. 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.

13. 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.

14. A Government servant promoted from lower to higher pay while on leave, on which he would not receive the benefit of enhanced pay till he returned to duty, cannot, if he retires without rejoining his appointment, claim the benefit of pension and gratuity calculated on the pay to which he was promoted while on leave.

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

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

16. Pay drawn by a Government servant while on deputation to Government of India/Other State Governments shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on deputation to Government of India/other State Government shall alone be treated as emoluments.

17. 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.

18. Pay drawn by a Government servant while on ex-cadre post shall not be treated as emoluments but the pay which he would have drawn in the cadre had he not been on excadre post shall alone be treated as emoluments.

19. Where a pensioner who is re-employed in Government service elects in terms of clause (1) of sub rule (1) of rule 18 or who is governed under sub rule (2) 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.

20. Where a Government servant has been transferred to an autonomous body consequent on the conversion of 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.

21. If a Government servant has been on leave with or without allowances or under suspension immediately before retirement, the provisions of Notes 1 and 13 shall apply mutates mutandis in such cases also.

GOVERNMENT OF RAJASTHAN'S DECISION

¹"1. It has been decided by the Government that w.e.f. 01.07.2004, DA equal to 50% of the existing basic pay shall be merged with the basic pay and shown distinctly as Dearness Pay, which will be counted for HRA, CCA, retirement benefits. However, TA/ DA on tour/ transfer and Government accommodation shall continue to be governed on the basis of basic pay alone. Compulsory deductions for GPF and State Insurance shall also be made on the basic pay alone.

DA on Dearness Pay will be paid only in respect of DA instalments that become due on 01.07.2004 and afterwards. The existing amount of DA over and above 50% i.e. 11% will be calculated only on the basis of basic pay and shall not be calculated on the basis of Basic Pay + Dearness Pay. Further increases in DA (beyond 61%) will be calculated on the basis of Basic Pay + Dearness Pay. For example, if 63% DA is payable from 01.07.2004, 50% will be converted to dearness way, 11% will be calculated on the basis of Basic Pay alone and 2% will be calculated on the basis of Basic Pay + Dearness Pay. Similarly, if 65% DA is payable on 01.01.2005, 50% will be converted to dearness pay, 11% will be calculated on the basis of Basic Pay alone and 4% will be calculated on the basis of Basic Pay + Dearness Pay. And so on.

Similarly, in case of existing pensioners, 50% dearness relief will be converted to dearness pension. The amount of existing dearness relief over and above 50%, will be calculated only against basic pension and shall not be calculated against basic pension + dearness pension. Any increase in the existing dearness relief beyond 61% shall be calculated against basic pension + dearness pension, on the lines indicated at para 2."

²"2. The State Government Pensioners are getting Dearness Relief @61% of Pension/Family Pension w.e.f. 1.1.2004, out of which 50% has been converted to dearness pension w.e.f. 1.7.2004 and the remaining 11% of Dearness Relief is to be calculated on basic pension. Any increase in dearness relief on or after 1.7.04 is to be calculated on the total of basic pension plus dearness pension as per provisions contained in Finance Department Order No. F.6(3)FD/Rules/2004 dated 24.5.2004.

2. Consequent upon merger of 50% D.A. with Basic Pay, the existing minimum pension of Rs. 1275/- p.m. is revised to Rs. 1913/- p.m. and existing maximum pension and family pension is revised as under:

(i)	Maximum Pension 50% of 33600/- i.e. maximum of highest pay scale in the Government 22400+ D.P. 11200	Rs.16,800
(ii)	Maximum ordinary family pension 30% of 33600/-i.e. maximum of highest pay scale in the Government 22400+ D.P.11200	Rs.10,080
(iii)	Maximum Enhanced Family Pension 50% of 33600/- i.e. maximum of highest pay scale in the Government 22400+ D.P.11200	Rs.16,800

3. Example of calculation of Pension and Dearness Relief of a Government servant retiring on or after 1.7.2004 on an assumed Basic Pay of Rs. 10,000/- shall be as :-

(a)	Basic Pay of	Rs. 10,000
(b)	50% D.A. on basic pay	Rs. 5,000
(c)	Emoluments	Rs. 15,000
(d)	Pension @50% of emoluments for 33 years qualifying service	Rs. 7,500
(e)	Dearness Relief @11% on two third of basic pension i.e. 5,000/-	Rs. 550

Note : In the aforesaid case further increase in Dearness Relief, if any, will be calculated on pension of Rs. 7,500.

4. These orders shall come into force w.e.f. 1.7.2004."

1. Inserted vide FD Order No.F.6(3)FD(Rules)/2004 dated 24.05.2004.
2. Inserted vide FD Order No.F.13(2)FD(Rules)/2004 dated 25.09.2004.

1“Clarification

1. The State Government Pensioners, who were getting Dearness Relief @61% of Pension/Family Pension w.e.f. 1.1.2004, out of which 50% has been converted to dearness pension w.e.f. 1.7.2004 vide FD Order No. F.6(3)FD/Rules/2004 dated 24.5.2004. Consequent upon merger of 50% Dearness Allowance with Basic Pay, the existing minimum pension of Rs.1275/- per month has been revised to Rs.1913/- w.e.f. 1.7.2004 vide FD Order No. F.13(2)FD(Rules)/2004 dated 25.9.2004.

Accordingly it is clarified that the minimum basic pension/ family pension with effect from 1.7.2004 and onwards shall be regulated as under: -

Period of retirement/ death of a Government servant	Rate of minimum pension / family pension and Dearness Pension
1. upto 30.6.2004	Rs. (i) Pension/ Family Pension 1275/- (ii) Dearness Pension 638/- Total 1913/-
2. on or after 1.7.2004	Rs. (i) Pension/ Family Pension 1913/- (ii) Dearness Pension Nil Total 1913/-

Note : In case of Government servant retiring on or after 1.7.2004, Dearness Relief @ 11% shall be allowed on two third of basic pension / family pension. Similarly in case of those retired upto 30.6.2004, Dearness Relief @ 11% shall be allowed on basic pension / family pension only as provided in FD order No.F.13(2)FD(Rules)/2004 dated 25.9.2004.”

2“2. Under Rule 45 of the Rajasthan Civil Services (Pension) Rules 1996, the expression “emoluments” used for the purposes of pension, service gratuity and retirement / death gratuity means pay as defined in Rule 7(24) of Rajasthan Service Rules which a Government servant was receiving / or to which he was entitled immediately before his retirement or on the date of death. As per the provisions contained in Rule 7(24) of Rajasthan Service Rules pay includes Special Pay.

In the case of Government servant who retired while drawing special pay, it is counted as emoluments on the basis of 10 months average.

In the case of promotion against the vacancy of earlier years by DPCs, the pay of a person who has been so promoted is re-fixed at the pay which he would have drawn at the time of his promotion but no arrears of pay is allowed to him.

Accordingly the matter has been examined and it is clarified that if a Government servant, who is promoted against the vacancies of earlier years by DPC and becomes entitled for grant of Special Pay of the promotion post, the presumptive average of special pay of 10 months shall be counted as emoluments for the purpose of calculation of pensionary benefits.”

46. Allowances which do not count

A Government servant cannot count the following allowances:-

- (1) Allowances granted in consideration of the expensiveness of the locality;
- (2) Messing or sumptuary allowances;

1. Inserted vide FD Clarification No.F.13(2)FD(Rules)/2004 dated 01.02.2006.

2. Inserted vide FD Clarification No.F.15(11)FD(Rules)/1997 dated 31.10.2006.

- (3) House rent allowance, or estimated value of free quarters;
- (4) Traveling Allowances or allowances granted to meet the cost of the tour or travel which a Government servant has to undertake;
- (5) Compensation for dearness of provisions.

47. Net Emoluments taken

Any part of a Government servant's pay or emoluments which is specially intended to provide for expenses incidental to his duty must be excluded.

The following are examples of the operation of this rule:-

(1) When a Government servant's pay is intended partly to cover the expenses of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expenses. When water-carrier's pay includes provision for a bullock his pay must be taken at what it would be if he was not required to keep a bullock.

(2) When a consolidated pay specially includes Traveling Allowance, or House Allowance these must be deducted.

(3) When a Government servant's pay is fixed at two rates, a smaller rate during stationery duty and a higher rate during periods passed on tour or traveling, the former rate alone should be the basis of the calculation.

48. Regulation of pension on holding more than one appointment

If an officer has held more than one appointment in respect of each of which, if he had 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 office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Rules 54 and 55 of the Rajasthan Civil Service (Pension) Rules, 1996.

49. No increase in pension for holding more than one office conjointly

A Government servant is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

CHAPTER V

REGULATION OF AMOUNTS OF PENSIONS

A- (i) PREMATURE RETIREMENT

¹"50. Retirement on completion of 15 years' qualifying Service

(1) At any time after a Government servant has completed fifteen years qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service."

(2) The notice of voluntary retirement given under sub rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall automatically become effective from the date of expiry of the said period.

GOVERNMENT OF RAJASTHAN'S DECISION

Guidelines for acceptance of notice. - A notice of voluntary retirement given after completion of ²"fifteen years" qualifying service will require acceptance by the appointing authority. Such acceptance may be generally given in all cases except that the Appointing Authority shall withhold permission to retire a Government servant:

- (i) who is under suspension;
- (ii) in whose case the disciplinary proceedings are pending or contemplated for the imposition of a major penalty and the disciplinary authority having regard to the circumstances of the case, is of the view that such disciplinary proceedings might result in imposition of the penalty of removal or dismissal from service;
- (iii) in whose case prosecution is contemplated or may have been launched in a court of law.

In such cases, if it is proposed to accept the notice of voluntary retirement approval of the Government should be obtained. Even where the notice of voluntary retirement given by the Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

- (3) (a) A Government servant referred to in sub rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons thereof;

1. The existing sub-rule (1) of Rules 50 substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 1.12.1999.

"50. Retirement on completion of 20 years' qualifying Service

(1) At any time after a Government servant has completed twenty years qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service."

2. The existing words "twenty years" substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 1.12.1999.

- (b) On receipt of a request under clause (a), the appointing authority subject to the provisions of sub rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months.

GOVERNMENT OF RAJASTHAN'S DECISION

In case a Government servant seeks voluntary retirement under rule 50 (1) of Rajasthan Civil Services (Pension) Rules, 1996, with a view to contest any election to Parliament/State Assembly/Municipalities/Panchayati Raj Institutions, he may be retired by the competent authority under rule 50 of RCS (Pension) Rules immediately without prejudice to the right of Government going into the genuineness of the reasons and verification of the qualifying service rendered, and the period of notice prescribed under rule 50 (1) of Rajasthan Civil Service (Pension) Rules shall in such cases be deemed to have been waived as a matter of course.

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

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

GOVERNMENT OF RAJASTHAN'S DECISION

Withdrawal of notice of retirement not ordinarily permissible

A question has been raised whether a Government servant who has given to the appropriate authority, notice of retirement has any right subsequently (but during the currency of the notice) to withdraw the same and return to duty. The question has been considered carefully and the conclusion reached is that the Government servant has no such rights. There would, however, be no objection to permission being given to such a Government servant, on consideration of the circumstances of his case, to withdraw the notice given by him, but ordinarily such permission should not be granted unless he is in a position to show that there has been a material change in the circumstances in consideration of which the notice was originally given.

(5) The pension and retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as defined under rule 45 of Rajasthan Civil Services (Pension) Rules, 1996, which the Government servant was receiving immediately before the date of retirement, and the increase not exceeding five years in his qualifying service under rule 51 shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a Government servant who retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

EXPLANATION - For the purpose 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 seeks voluntary retirement.

(7) If a Government servant seeks retirement under this rule while he is on leave not due, without returning to duty, the retirement, shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave shall be recovered from him.

¹"(8) A Government servant who gives notice of voluntary retirement under sub rule (1) of rule 50 shall satisfy himself by means of a reference to the appointing authority who is competent to retire him to the effect that he has, in fact, completed 15 years qualifying service for pension."

51. Addition to qualifying service on voluntary retirement

(1) The qualifying service as on the date of intended retirement of the Government servant retiring under Rule 50(1) shall be increased by the 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.

(2) The weightage of five years notional qualifying service shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under rule 53(1).

52. Addition to qualifying service on voluntary retirement by employees declared surplus

Notwithstanding anything contained in rules 50 and 51, the employee declared surplus from time to time shall be eligible for seeking voluntary retirement after completion of 10 years of qualifying service and attaining the age of 35 years. In such cases, a weightage of only two years qualifying service shall be given in addition to the qualifying service actually rendered by the surplus employee, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed 33 years and it does not take him beyond the date of superannuation.

1. The existing sub-rule (8) of Rules 50 substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 1.12.1999.
"(8) A Government servant who gives notice of voluntary retirement under sub rule (1) of rule 50 shall satisfy himself by means of a reference to the appointing authority who is competent to retire him to the effect that he has, in fact, completed 20 years qualifying service for pension."

1"53. Compulsory retirement on completion of 15 years qualifying service.

(1) At any time, after a Government servant has completed 15 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned Government servant to retire in public interest after following the procedure laid down by the Government in Department of Personnel/Administrative Reforms Department. In case of such retirement, the Government servant shall be entitled to retiring pension.

(2) In such a case, the appointing authority shall 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.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

(4) In such a case, the compulsorily retired employee may represent against the order of compulsory retirement within a period of 30 days to :-

1. the H.E. the Governor : For employees of State Services
2. the Committee of Secretary, : For employees other than State
Department of Personnel and one Services
other Secretary to Government to
be nominated by Chief Secretary in
each case.

Provided that before deciding the representation, comments of the appointing authority shall be obtained.

(5) In case it is decided to re-instate a prematurely retired Government servant in service after considering his representation, the authority shall pass order regarding the period intervening between the date of premature retirement and the date of re-instatement/ age of superannuation, as the case may be.

EXPLANATION - For the purpose 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 is retired."

-
1. The existing Rule 53 shall be substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 8.6.2004.

@"53. Compulsory retirement on completion of 15 years' qualifying service

(1) At any time, after a Government servant has completed 15 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned government servant to retire in public interest. In case of such retirement, the government servant shall be entitled to retiring pension.

(2) In such a case, the appointing authority shall 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.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

EXPLANATION - For the purpose 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."

- @ The existing sub-rule (1) of Rules 53 again substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 1.12.1999.

%"53. Compulsory retirement on completion of 25 years qualifying service

"(1) At any time, after a Government servant has completed 25 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned government servant to retire in public interest. In case of such retirement, the government servant shall be entitled to retiring pension."

- % The existing sub-rule (1) of Rules 53 substituted vide FD Notification No.F.15(6)FD(Rules)/97 dated 27.6.1998.

"(1) At any time after a Government servant has completed twenty-five years qualifying service or has attained the age of 50 years, whichever is earlier, 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."

NOTES

1. The Government has the absolute right to retire a Government servant in public interest. This right is intended to be exercised against a Government servant whose efficiency is impaired, but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully efficient but not to such a degree as to warrant his retirement on compassionate allowance. It is not the intention to use this rule as a financial weapon, that is to say, the provision should be used only in the case of Government servants who are considered unfit for retention on personal as opposed to financial grounds.

2. Participation in or abetting in any form of strike by a Government servant shall also be deemed to be included in "public interest" for the purpose of rule 53 (1).

3. The Appointing Authority shall follow the procedure as prescribed or as may be prescribed by the Department of Personnel from time to time where a Government servant is retired under this rule for reasons of impairment of efficient or doubtful integrity.

4. Compulsory retirement under this rule does not attract the provisions of clause (2) of Article 311 of the Constitution of India because such retirement is not conceived as a penalty but as the exercise of a right reserved to Government of retiring a Government servant after he has served for a certain length of time. Accordingly, the procedure laid down in the Rajasthan Civil Services (Classification, Control and Appeal) Rules, for formal proceedings against Government servants before removing them from service is not meant to apply to such cases.

5. This rule is also applicable to Government servants who are members of Contributory Provident Fund. In their cases, the term 'qualifying service' shall mean service commencing on the day Government servant started subscribing towards Contributory Provident Fund.

6. When the appropriate authority has come to the conclusion that a Government employee may be prematurely retired, the three months' notice referred to in rule 53 (2) may be given before the Government servant attains the age of 50 years or has completed "15 years" of service, as the case may be. But, the retirement should take place after the Government servant has attained the relevant age or has completed "15 years" of service, as the case may be.

7. Orders requiring a Government employee to retire after completing "15 years" qualifying service should, as a rule, not be issued until after the fact that the Government employee has indeed completed, or would be completing on the date of retirement, qualifying service of "15 years", has been verified by the appointing authority in consultation with the senior most member of the Rajasthan Accounts Service posted in the Department.

8. While computing the notice period of not less than three months, referred to in rule 53 (2) of Rajasthan Civil Services (Pension) Rules, 1996, the date of service of the notice and the date of its expiry shall be excluded. The date of premature retirement of a Government employee should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.

9. It is necessary to give three months notice in writing or three months' pay and allowances in lieu of notice to a Government servant under suspension who is proposed to be retired under rule 53 (1) of R.C.S. (Pension) Rules, 1996.

It has been decided that an authority competent to retire a Government servant under rule 53 (1) should give three months' notice in the type of cases referred to above and may not take recourse to the other alternative of paying three months' pay and allowances in lieu of notice.

1. The existing figure and word "25 years" substituted vide FD Notification No.F.15(3)FD(Rules)/99 dated 1.12.1999.

CLARIFICATIONS

1. On orders of premature retirement

- (i) Date of retirement: The orders regarding retirement on the last day of the month will not apply to the cases of premature retirement.
- (ii) Grant of leave due/admissible: Leave due and admissible may be allowed if applied for by the Government servant during the period of notice.
- (iii) Undrawn increment: As the Government servant continues to be in service during the period of notice, he will be entitled to increment falling due during the period, under rule 31 of Rajasthan Service Rules. If, on the other hand, the official is retired by giving pay and allowances in lieu of the notice period, no increment will be admissible as the retirement in such cases takes immediate effect.

2. On admissibility of pension in addition to pay and allowances (inclusive of H.R.A. & C.C.A.) for the entire period in lieu of Notice

- (i) As the Government servant concerned will retire immediately on payment of pay and allowances in lieu of notice, he would be entitled to pension from the date of such retirement and the pension shall not be deferred till after the expiry of the period of three months for which he is paid pay and allowances. In other words, pay and allowances given in lieu of the notice period would be in addition to pension for the said period.
- (ii) The Government servants who are given pay and allowances in lieu of the notice period are entitled to House Rent Allowance and City Compensatory Allowance at the rates at which they were drawing the allowances immediately before retirement.
- (iii) The payment of pay and allowances in lieu of the notice period should be made simultaneously with the order of retirement.
- (iv) The pay and allowances to be given in lieu of notice period would be the pay and allowances drawn by him immediately before retirement. Since he would stand retired immediately on payment of pay and allowances, the question of taking into consideration the date of increment does not arise.
- (v) The three months' pay and allowances given in lieu of notice are salary and therefore, income tax is required to be deducted at source.
- (vi) The Government servant would stand retired immediately on payment of three months' pay and allowances in lieu of the notice period and will not be in service thereafter. Therefore, the question of counting any period subsequent to the date of such retirement for purposes of pension etc. does not arise.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Procedure for payment of notice period's pay and allowances on retirement

Payments in lieu of three months' notice will arise in cases where retirement of an officer by giving three months' notice may not be desirable in public interest. The following procedure has been prescribed in relaxation of the provisions of the Treasury Rules :-

- (i) The drawing and disbursing officer in a department may be authorised by the competent authority to draw a special advance from the treasury whenever claims of the type are to be met. It will not be necessary to mention therein the name(s) of the Government servant(s) to be so retired. The amount of advance to be sanctioned by the competent authority shall be restricted to the net amount to be paid to the Government servant(s).

- (ii) The amount to be paid to a Government servant to be so retired should be computed on the basis of -
 - (a) pay and allowances which he is receiving at the time of retirement, less
 - (b) statutory deductions like income tax.

All other dues outstanding against the Government servant such as House Building Advance, Conveyance Advance, House Rent, Traveling Allowance, etc. may be left to be recovered from the gratuity payable under the R.C.S. (Pension) Rules, 1996. It is also not necessary to make any deductions relating to G.P.F., Insurance etc. from the payment to be made.

- (iii) The special advance may be drawn by the drawing and disbursing officer on a bill in the form of a simple receipt. A signed copy of the sanction should be enclosed with the bill to be submitted to the treasury.
- (iv) The special advance may be adjusted under Major Head, "8550 - Civil Advances - 103 - Other Departmental Advances - Miscellaneous (Other) Advances". An adjustment bill will thereafter be sent to the Accountant General alongwith acquittance of the Government servant(s) concerned together with the charge report(s), if any, for the adjustment of the advance to the final head of account.

2. If, in any case, it is decided to reinstate a prematurely retired Government employee in a service after considering his representation in accordance with the laid down instructions, the period intervening between the date of premature retirement and the date of retirement may be regulated by the authority ordering reinstatement as duty or as leave or dies non, as the case may be, taking into account the merits of each case.

3. In the case of an employee who had been prematurely retired on grounds of inefficiency and by the time the competent authority to consider representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, in such cases the authorities empowered to pass final orders may at their discretion reinstate the superannuated Government servant notionally with effect from the date of compulsory retirement and treat the period up to the date of superannuation, as duty, leave or dies non as may be considered appropriate by the competent authority.

4. Where a prematurely retired Government servant is reinstated in service and the intervening period beginning from the date of retirement and ending with date immediately before his rejoining duty has been treated as on duty in accordance with G.R.D. No. 2 or 3 or as a result of the orders of the competent Court, the pay and allowances shall be regulated under Rule 54 of Rajasthan Service Rules. The pay and allowances shall be paid at the rates in force from time to time as if he has not been prematurely retired from service.

On reinstatement of the Government servant, he shall be required to refund three months' notice pay, amount of Retirement/Death Gratuity, pension including commutation and dearness relief on pension etc., if already paid to him, in one lump sum within a period of one month from the date of rejoining the duty otherwise interest shall be charged @ 12% per annum. With regard to the refund of G.P.F money and Insurance amount if any received by him, the action shall be taken in accordance with the relevant G.P.F. Rules and Insurance Rules.

For making payment of pay and allowances for the intervening period, the Government servant would be required to furnish a certificate to the effect that he was not engaged in any other employment, business, profession or vocation. In case he was engaged in any employment etc. he will be paid an amount equal to the amount by which his earning during the intervening period fell short of the amount of pay and allowances now becoming due and payable. The details of refund should be mentioned in the Service Book giving reference of pay bills and challan number and date under the attested signatures of the Head of Office.

¹"2. In accordance with the provisions contained in Rule 53 of Rajasthan Civil Services (Pension) Rules, 1996 the appointing authority is competent to retire a Government Servant who has completed 15 years' qualifying service or has attained the age of 50 years, whichever is earlier after following the procedure laid down Administrative Department order no. F.6(9)AR/Sec.3/2001 dated 7.3.2001.

A question has been raised regarding the procedure for disposal of representation, if any, made by the retired Government Servant against the order of retirement passed by the appointing authority under the aforesaid rule. The matter has been considered and it has been decided that the following authority will be competent to dispose off such representation received : -

1. HE the Governor : For employees of State Services.
2. Committee of Administrative Secretary and Secretary, DOP : For employees other than State Services.

Before disposing off any representation, comments of the appointing authority, which took the decision of compulsory retirement, will be obtained. The Representation Disposing Authority, in its discretion, may grant hearing to the applicant.

In case it is decided to re-instate a prematurely retired Government servant in service after considering his representation, the authority shall pass order regarding the period intervening between the date of premature retirement and the date of re-instatement/ age of superannuation, as the case may be, as required under GRD No. 2 and 3 appearing below Rules 53 of the aforesaid rules.

The provisions of this order shall not be applicable to a Government Servant who is compulsorily retired as a penalty under the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958."

²"3. The attention is invited towards Finance Department Memorandum of even number dated 3.12.2002 vide which procedure for disposal of representation, if any, made by a Government Servant compulsorily retired under Rule 53 of Rajasthan Civil Services (Pension) Rules, 1996 has been laid down.

This matter is being further looked. Accordingly the provisions of the aforesaid Memorandum shall be held in abeyance till further orders."

³"4. The attention is invited towards Finance Department Memorandum of even Number Dated 30.7.2003 vide which the provision of Finance Department Memorandum of even number dated 3.12.2002 was held in abeyance till further orders.

It has been decided that representations received in pursuance of Finance Department Memorandum of even number dated 3.12.2002 by 29.7.2003 shall be considered and decided in accordance with the provisions contained in Finance Department Memorandum dated 3.12.2002 on merit.

⁴"5. राजस्थान सिविल सेवा (पेंशन) नियम, 1996 के नियम 53 के अन्तर्गत अनिवार्य सेवानिवृत्त कर्मचारियों को दिनांक 30.7.2003 से 7.6.2004 की अवधि में अनिवार्य सेवानिवृत्ति के विरुद्ध प्रतिवेदन प्रस्तुत करने का अवसर नहीं दिया था। अतः यह निर्णय किया गया है कि उक्त अवधि में अनिवार्य सेवानिवृत्त कर्मचारियों के प्रतिवेदन जो आदेश के जारी होने की तिथि से 30 दिन में प्राप्त हुए हैं, उन्हें वित्त विभाग की समसंख्यक अधिसूचना दिनांक 8.6.2004 में निर्धारित प्रक्रिया अपनाकर निस्तारित किए जावें।

1. Inserted vide FD Memorandum No.F.15(3)FD(Rules)/99 dated 3.12.2002.
2. Inserted vide FD Memorandum No.F.15(3)FD(Rules)/99 dated 30.7.2003.
3. Inserted vide FD Memorandum No.F.15(3)FD(Rules)/99 dated 13.2.2004 and corrected vide FD Corrigendum of even number dated 17.2.2004.
4. Inserted vide FD Order No.F.15(3)FD(Rules)/99 dated 22.7.2004.

¹53A. Compulsory retirement of a Government servant who has more than three children :-

- (1) Notwithstanding anything contained in these rules appointing authority shall have right to retire a Government servant in public interest, if he/she has more than three children on or after 1st June, 2002 and in such cases Government servant shall be entitled to proportionate pension and/or service gratuity, as the case may be:

Provided that where a Government servant has only two children from the earlier delivery(ies) but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

Provided further that the provisions of this rule shall not be applicable to a Government servant who has more than three children so long as the number of children he/she has on 31st May, 2002 does not increase."

- (2) In such a case, the appointing authority shall retire the Government servant after giving him/her three months' notice.
- (3) If the order of retirement could not be served to the Government servant within 15 days from the date of its issue, the appointing authority shall publish the order of such retirement in Rajasthan Rajpatra and the Government servant shall be deemed to have retired on such publication.

EXPLANATION - For the purpose 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."

A- (ii) AMOUNT OF PENSION

54. Amount of pension

The amount of superannuation, retiring, invalid and compensation pension and service gratuity shall be as follows :-

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

- (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 thirty-three years, the amount of pension shall be calculated at ²fifty percent of the emoluments subject to maximum upto fifty percent of highest pay in the Government ³[(the highest pay in the Government is Rs. 24,850/- since 1.7.1996)]" as defined under rule 45 of R.C.S. (Pension) Rules, 1996, which the Government servant was receiving immediately before the date of retirement.

1. Inserted vide FD Notification No.F.13(3)FD(Rules)/2001 dated 4.10.2001.

2. The existing words "fifty percent of the emoluments" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.ef. 1.10.1996.

3. The existing words and figures "(the highest pay in the Government is Rs.22,400/- since 1.9.1996)" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 20.4.2004 w.e.f. 1.10.1996.

- (b) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than "rupees one thousand two hundred seventy five per mensem";
- (c) Notwithstanding anything contained in clause (a) and clause (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub rule (i) to rule 62.

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

(4) The amount of pension finally determined under clause (a) or clause (b) of sub rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next rupee.

NOTES

1. The gratuities which may be sanctioned under rules 54(1) and 55(1) will constitute the assets of the Government servant and in the event of his death before receiving payment of the amounts, they can be paid to his legal heirs under the ordinary law of succession. Rules 56 (1) and 56 (2), however, create a benefit directly in favour of the nominee or the specific member of the family of the Government servants as the case may be, and a gratuity sanctioned under these paragraphs will form the assets of the persons in whose favour the sanction is accorded and not the deceased Government servant.

2. For the purpose of commutation of pension, the amount of original invalid pension will only be taken into account. However, the dearness relief on pension will be determined on the basis of stepped up amount of pension as per sub rule 2(c) above.

²(1) GOVERNMENT OF RAJASTHAN'S DECISION

The Governor is pleased to order that the Pension/ Family Pension of all the pre-1.9.1996 State Pensioners/ Family pensioners be revised with effect from 1.9.1996 in the manner indicated in the succeeding paragraphs.

Applicability :

2. These orders shall apply to all service pensioners/family pensioners who were in receipt of pension/family pension on 1.9.1996 under the Rajasthan Service Rules, except to those who have been specifically excluded under this order.

Definitions :

3. In these orders -

- (a) 'Existing pensioner' or 'Existing Family pensioner' means a pensioner who was drawing/ entitled to pension/ family pension as on 31.8.1996.
- (b) 'Existing pension' means the basic pension inclusive of commuted portion if any, due on 31.8.1996.
- (c) 'Existing family pension' means the basic family pension drawn on 31.8.1996.

1. The existing words "rupees three hundred per mensem" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.ef. 1.10.1996.

2. Inserted vide FD Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998.

- (d) 'Existing Dearness Relief' means the relief due to pensioners/ family pensioners upto average CPI 1510. i.e. admissible under Finance Department order No.F.1(25)FD(Gr.2)/93 dated 7.5.1996.
- (e) 'Bank' means the branch of the Bank from which the pensioner is getting his pension.

Consolidation/ Revision of Pension :

4. The pension/family pension of existing pre-1.9.1996 pensioners/ family pensioners will be consolidated with effect from 1.9.1996 by adding together -

- (i) The existing pension/family pension.
- (ii) Existing Dearness Relief upto CPI 1510 i.e. @ 148%, 111% and 96% of Basic Pension as admissible vide Finance Department Order No.F.1(25)FD(Gr.2)/93 dated 7.5.1996.
- (iii) Interim Relief - I
- (iv) Interim Relief - II
- (v) Fitment weightage @ 40% of the existing pension/ family pension.

5. The amount so arrived at will be regarded as consolidated pension/ family pension with effect from 1.9.1996. Upper ceiling on pension and family pension shall be 50% and 30% respectively of highest pay in the Government (the highest pay in the Government is Rs. 22,400/- since 1.9.1996). Since the consolidated pension will be inclusive of commuted portion of pension, if any, the commuted portion will be deducted from the said amount while making monthly disbursements.

6. The consolidated pension/family pension as worked out in accordance with the provisions of paragraph 4 above shall be treated as final 'Basic Pension' / Basic family pension' with effect from 1.9.1996 and shall qualify for grant of Dearness Relief sanctioned thereafter in respect of following categories of pensioners/ family pensioners:-

- (i) Pensioners, who retired between the period 1.9.1988 to 31.8.1996.
- (ii) Family pensioners, who became entitled for family pension during the period 1.9.1988 to 31.8.1996 and were sanctioned family pension at the rate of 30% of the last pay drawn by the deceased employee.

7. In case of other pensioners/ family pensioners, these orders provide for revision/ consolidation of pension with effect from 1.9.1996 as an interim measure only so as to provide them immediate relief and shall be subject to variation. Detailed instructions regarding fixation of their pay on notional basis/revision/consolidation of pension/ family pension and issue of authorisation in this regard will be issued separately. Pending issue of detailed instructions as stated above, grant of pension/ family pension to all these pensioners/family pensioners may be continued to be regulated under these orders.

Dearness Relief of Pension :

8. Since the consolidated pension/ family pension arrived at as per paragraph 4 includes dearness relief upto CPI 1510, dearness relief will be admissible with effect from 1.1.1997 only beyond CPI 1510 in accordance with the revised scheme of dearness relief for which orders are being issued separately. The payment made since 1.1.1997 on account of two instalments of dearness relief sanctioned earlier from 1.7.1996 and 1.1.1997 vide Finance Department Order No.F.1(25)FD(Rules)/93 dated 25.10.1996 and dated 1.5.1997 respectively shall be adjusted against dearness relief becoming due on the consolidated pension/ family pension with effect from 1.1.1997.

9. The employed/re-employed pensioners/family pensioners are not getting dearness relief on pension at present under the extant orders. In their case the notional dearness relief which would have been admissible to them but for their employment/re-employment

will be taken into account for consideration of their pension in terms of paragraph 4 above as if they were drawing the dearness relief. Their pay will be re-fixed w.e.f. 1.9.1996 with reference to consolidated pension becoming admissible to them. Dearness relief with effect from 1.1.1997 will, however, not be admissible to them during the period of employment/re-employment.

Treatment of third interim relief :

10. The payment already made from 1.4.1996 to 31.12.1996 on account of Third instalment of Interim Relief sanctioned vide Finance Department Order No.F.1(14)FD(Rules)/95 dated 22.10.1996 with effect from 1.4.1996 will not be recovered. The payment of Third Interim Relief made from 1.1.1997 onwards will be adjusted against the arrears becoming due on consolidation of pension/family pension and sanction of dearness relief on consolidated pension/family pension.

Minimum pension/ family pension :

11. Where the consolidated pension/ family pension in terms of paragraph 4 above works out to an amount less than Rs.1275/- the same shall be stepped to Rs.1275/-. This will be regarded as pension/ family pension with effect from 1.9.1996. In the case of pensioners who are in receipt of more than one pension, the floor ceiling of Rs.1275/- will apply to the total of all pensions taken together.

Permanent absorption in PSUs/ Autonomous Bodies :

12. In cases of State Government employees who have been permanently absorbed in Public Sector Undertaking/ Autonomous Bodies and have drawn one time lumpsum terminal benefit equal to 100% of their pension, their cases will not be covered by these orders even if one third of their pension was restored.

Not accrual of arrears for the period 1.9.1996 to 31.12.1996 :

13. Notwithstanding anything contained in these orders no arrears shall be payable for the period 1.9.1996 to 31.12.1996 on account of consolidation/ revision of pension.

Table for calculating arrears :

14. A table indicating the existing pension, the consolidated pension and difference payable from 1.1.1997 is enclosed for ready reference.

Mode of payment of arrears for the period 1.1.1997 to 31.12.1997 :

15. The arrear becoming payable as a result of consolidation of pension/family pension for the period from 1.1.1997 to 31.12.1997 as above will be paid in the following manner -

- (1) Pensioners/ family pensioners who are below the age of 70 years on 1.1.1998
 - (a) be paid the amount of arrear for the period 1.1.1997 to 31.12.1997 in sixty equal monthly instalments alongwith the regular pension or
 - (b) at the option of pensioner, the amount of arrear may be credited in General Provident Fund Account shall remain deposited upto 31.3.2003 and no withdrawals during this period shall be admissible except in case of death of a pensioner/ family pensioner. Interest shall be payable on the amount so deposited in the General Provident Fund Accounts as per rates in force from time to time.
- (2) Pensioners/ family pensioners who have attained the age of 70 years on 1.1.1998 shall be paid the amount of arrear in cash.

16. **The procedure for payment of arrear**

- (i) The Pensioner/ family pensioner shall surrender his/her half of Pension Payment Order to the pension disbursing authority i.e. the branch of the Bank/ Pension Payment Officer/ Treasury Officer, as the case may be, requesting for consolidation of his/her pension/family pension in the proforma enclosed with this order.
- (ii) The Pension paying branch of the Bank will forward both the halves of Pension Payment Order indicating the amount of pension/family pension and dearness relief and Interim Relief paid so far to the concerned Treasury Officer/Pension Payment Officer. The Bank shall, however, even after sending the Pension Payment Order to the Pension Payment Officer/Treasury Officer, shall continue to make disbursement of pension/family pension at the last rate for a period of **six months** or receipt of the revised Pension Payment Order, whichever is earlier.
- (iii) The Pension Payment Officer/Treasury Officer shall consolidate pension/ family pension on 1.9.1996 as per provision of this order.
- (iv) The Pension Payment Officer/ Treasury Officer shall calculate the amount of arrear payable to the pensioner with the help of the table referred to in paragraph 14 of this order.
- (v) The Pension Payment Officer/Treasury Officer, in case of pensioner/family pensioner who have attained the age of 70 years as on 1.1.1998, shall authorise the payment of arrear in cash. Where the pensioner was getting pension from a Bank, the authority for payment of arrear as well as the revised pension payment order shall be forwarded to the same branch of the Bank from which the pensioner was earlier getting pension. While authorising the monthly disbursement of pension, the amount of commuted portion if any, shall be deducted from the consolidated pension.
- (vi)
 - (a) In case of pensioners/ family pensioners who are below the age of 70 years as on 1.1.1998, the amount of arrear for the period 1.1.1997 to 31.12.1997 shall, at the option of the pensioner be credited to the GPF A/c or shall be paid in sixty equal monthly instalments commencing from 1.4.1998. The Pension Payment Officer/ Treasury Officer with respect to the procedure to be followed for crediting the arrear amount in the General Provident Fund Account shall refer to the amendments made in the Rajasthan Government Servant's General Provident Fund Rules, 1997 issued vide Finance Department Notification No.F.2(1)FD(Rules)/96 dated 21.3.1998.
 - (b) In case of those pensioners/ family pensioners who are below 70 years of age on 1.1.1998 and who have given option to receive the arrear amount in 60 equal monthly instalments, the Pension Payment Officer/ Treasury Officer shall indicate the amount of the instalments in the pension payment order separately and the date upto which such amount shall be paid in the format given below :-

"Arrear with effect from 1.1.1997 to 31.12.1997 has been calculated as Rs._____ which will be payable in sixty intalments @ Rs._____ per month with effect from 1.4.1998 along with pension. The last instalment shall be payable on 1.4.2003."
 - (c) The arrear amount for the period commencing from 1.1.1998 till the authorisation of monthly disbursement of consolidated pension/family pension shall be payable in cash for which the Treasury Officer/Pension Payment Officer shall send the necessary authority to the Bank.

- (d) In case of death of a pensioner, the balance amount shall be payable to his nominee or legal heir, as the case may be, in lump sum.

17. It is considered desirable that the benefit of these orders should reach the pensioner as expeditiously as possible. To achieve this object it is desired that all pension disbursing authorities should ensure that the procedure of revision in pension alongwith the treatment of arrear as indicated in preceeding paragraphs should be completed by 30th June, 1998 positively.

18. In the case of pensioners receiving pension outside the State the concerned Treasury Officer of that State shall consolidate/ revise the pension/ family pension with effect from 1.9.1996 as per provision of this order. The Treasury Officer shall authorise payment of arrear amount on account of consolidation/ revision of pension in case of pensioners who have attained the age of 70 years or more as on 1.1.1998. However, in case of pensioners/ family pensioners below the age of 70 years as on 1.1.1998 the arrear amount for the period 1.1.1997 to 31.12.1997 shall be authorised by the Treasury Officer for payment in 60 equal monthly instalments commencing from 1.4.1998. The Treasury Officer shall follow the same procedure as has been indicated at paragraph 16 of this order. If the pensioner/family pensioner receiving pension outside the State opts for crediting his / her arrear amount in the G.P.F. account then both halves of his/her P.P.O. shall be sent to the Director, Pension through the usual channel alongwith application in the prescribed proforma for further necessary action.”

**APPLICATION FOR CONSOLIDATION/ REVISION OF
PRE - 1.9.1996 PENSION/ FAMILY PENSION**

(To be submitted in triplicate)

To,

The _____,
(Pension Disbursing Authority)

Subject : Revision of pension/ family pension in terms of Finance Department
Order No. _____ dated _____.

Sir,

Kindly revised my pension/ family pension entitlement shown in my PPO, in terms of the above mentioned order. The pensioner's half of PPO is enclosed. The requisite particulars are given below :-

1. Name of the applicant in block letters and full postal address
2. Type of pension admissible
3. Name of the deceased Government servant/ pensioner in case of family pension
(Applicable only in cases where the applicant is a family pensioner).
4. Date of retirement/ date of death of the Government employee
5. Date from which pension/ family pension is being drawn.
6. Pension Payment Order No.(P.P.O. No.)
7. Saving Bank account No. and name of the Bank
8. Age of the pensioner/ family pensioner as on 1.1.1998.
9. As the arrear amount for the period from 1.1.1997 to 31.12.1997 in case of pensioners/ family pensioners who are below the age of 70 years as on 1.1.1998 is not payable in cash, such pensioners/ family pensioners are required to exercise option as under.

I hereby opt to receive the arrear of revised pension from 1.1.1997 to 31.12.1997

*(a) in sixty equal monthly instalments.

*(b) by credit in General Provident Fund Account

*(Strike out as per option)

Note : In case of pensioner / family pensioner who has given option for crediting the arrear amount in the G.P.F., the enclosed nomination form may also be filled by the pensioner / family pensioner and submitted to the pension disbursing authority alongwith this application.

Witness :

Yours faithfully,

(Pensioner)

(Gazetted Officer)

NOTE : One copy to be retained by the Bank and two copies to be forwarded to the Pension Payment Officer / Treasury Officer alongwith both the halves of PPO. In case of option for deposit in the General Provident Fund the Pension Payment Officer/ Treasury Officer shall forward one copy alongwith schedule to Deputy Director/ Assistant Director, State Insurance and Provident Fund Department.

Nomination Form

I nominateS/o, D/o, W/o
Shri.....Ageyears who is my
(mention relation)
to receive the amount of GPF in case of my death.

Address :

**Signature of the
Pensioner/ Family pensioner**

Witness

(Gazetted Officer)

¹"(2) GOVERNMENT OF RAJASTHAN'S DECISION

The Governor is pleased to order that the Pension/ Family Pension of all the pre-1.9.1988 service pensioners/ Family pensioners, hereinafter called pre-1988 pensioners/ family pensioners, who were in receipt of pension/ family pension as on 1.9.1996 under Rajasthan Service Rules as amended from time to time, shall be revised in the manner indicated in the succeeding paragraphs.

2. Updating of notional emoluments for revision of pension / family pension of pre- 1.9.1988 retirees/ family pensioners and consolidation of pension :-

In accordance with the provisions contained in Rajasthan Service Rules and the Government's orders issued thereunder, at present pension of all pre-1988 pensioners/ family pensioners is based on the last emoluments on the date of retirement / date of death of deceased Government servant, as the case may be. The State Government has decided that the pension of all the pre-1988 retirees may be updated by notional fixation of their pay as on 1.9.1988 by adopting the same formula as for the serving employees and thereafter for the purpose of consolidation of their pension/ family pension as on 1.9.1996, they may be treated like those who have retired on or after 1.9.1988. In such cases pay shall be fixed on notional basis in the revised scales of pay introduced from time to time for the post held by the pensioner at the time of retirement or on the date of death of Government employee. Pay fixed on notional basis on the first occasion shall be treated as 'pay' for the purpose of emoluments for re-fixation of pay in the revised scale of pay on the second and subsequent occasions, if any, and other elements like DA/Adhoc DA/Additional DA, IR etc. based on this notional pay shall be taken into account, while fixing of pay on notional basis on each occasion. The pay fixation formulae approved by the Government and other relevant instructions on the subject in force at the relevant time shall be strictly followed. However, the benefit of any notional increments or advance increments based on length of service or selection grades admissible in terms of the rules and instructions applicable at the relevant time shall not be extended in any case of re-fixation of pay on notional basis. Special pay or any other allowance which was treated as part of emoluments for calculation of pension as per rules applicable at the time of retirement/ death of the Government servant, shall be treated as part of notional emoluments alongwith notional pay determined as above. On the basis of notional emoluments as on 1.9.1988, pension shall be calculated as per the pension formula in force at that time. The pension so worked out shall be consolidated as on 1.9.1996 in accordance with the provisions contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 and shall be treated as basic pension for the purpose of grant of Dearness Relief on and after 1.9.1996.

3. Calculation of family pension on notional emoluments as on 1.9.1988 and consolidation thereof :-

In the case of family pension, the notional pay as on 1.9.1988 shall be treated as part of emoluments last drawn by the deceased Government employee / pensioner and family pension shall be calculated thereon at the following rates in force as on 1.9.1988. This family pension shall be consolidated as on 1.9.1996 in accordance with the provisions contained in Finance Department's Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 :-

1. Inserted vide FD Memorandum No.F.15(5)FD(Rules)/98 dated 11.6.1998.

	Monthly emoluments	Rate of family pension per month
(i)	Not exceeding Rs.1500/-	30% of emoluments subject to a minimum of Rs.300/- and maximum of Rs.400/-.
(ii)	Exceeding Rs.1500/- but not exceeding Rs.2500/-	20% of emoluments subject to a minimum of Rs.400/-.
(iii)	Exceeding Rs.2,500/-	15% of emoluments subject to a minimum of Rs.500/- and maximum of Rs.750/-.

4. Extension of provisions of calculation of family pension on notional emoluments at uniform rate of 30% for pre - 1988 pensioners / family pensioners :-

It has been further decided that w.e.f. 1.9.1996 family pension shall be calculated at a uniform rate of 30% of emoluments last drawn subject to a minimum of Rs.1275/- and a maximum of 30% of highest pay in the Government as on 1.9.1996 (the highest pay is Rs. 22,400/-) in all cases instead of slab system. It has also been decided that the benefit of increased rate of family pension introduced w.e.f. 1.9.1996 may also be extended to pre-1.9.1996 family pensioners from the same date. Accordingly, in case of pre- 1988 pensioners, family pension as on 1.9.1996 shall be re-calculated at the rate of 30% of the notional emoluments as determined on 1.9.1988. The additional family pension becoming due on account of difference between family pension admissible under slab system and at the rate of 30% of notional emoluments shall be added to the consolidated family pension worked out in accordance with the provisions of para 3 above.

5. Extension of provisions of calculation of family pension on emoluments at the uniform rate of 30% for pre-1996 pensioners/ family pensioners :-

In respect of Government servants retired / died during the period from 1.9.1988 to 31.8.1996, the amount of family pension has been worked out on the basis of slab system of emoluments. Now the family pension, as per decision taken by the Government shall be 30% of last emoluments subject to a minimum of Rs.1275/-. In cases where under the existing slab system the family pension has been calculated at a rate of less than 30% of last emoluments, the difference between actual family pension and 30% of last emoluments shall be treated as additional family pension and shall be added to the consolidated family pension arrived at in accordance with the provisions contained in Finance Department's Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998. In other words for retirees during the period from 1.9.1988 to 31.8.1996, or in case of Government servants who died while in service during this period, the family pension authorised shall be consolidated as on 1.9.1996, and to this consolidated family pension the additional family pension (amount by which the initially authorised family pension falls short of 30% of last emoluments) shall be added to arrive at basic family pension on which dearness relief shall be admissible from time to time. This has also been illustrated in example given at Annexure - I to this Memorandum.

6. Total of consolidated family pension plus additional family pension on notional emoluments shall be basic family pension :-

The total of consolidated family pension plus additional family pension shall be basic family pension w.e.f. 1.9.1996 and shall be subject to a minimum of Rs.1275/-. Dearness Relief thereon shall be admissible in accordance with the orders issued from time to time on/ or after 1.9.1996. A few examples of calculation of family pension in the manner prescribed above are given in Annexure - I to this Memorandum.

7. Updating of family pension where it has not come into operation as pensioners are/ were alive on 1.9.1996 :-

In the case of existing pre- 1988 pensioners in whose case the family pension has not come into operation as pensioners are/ were alive as on 1.9.1996, while updating their pension on the basis of notional emoluments as on 1.9.1988, the family pension shall also be revised, consolidated and updated, wherever necessary, in terms of these orders and noted on their Pension Payment Order by the Pension Department. The updated rates of family pension will apply as and when family pension becomes payable in such cases. Similar procedure regarding authorising basic family pension as mentioned in para 5 shall also be followed in respect of pre- 1.9.1996 pensioners.

8. The cases of Government employees who have been permanently absorbed in Public Sector Undertakings/Autonomous Bodies will be regulated as follows :-

- a) Where the Government servants on permanent absorption in Public Sector Undertakings/ Autonomous Bodies continue to draw pension separately from the Government, the pension of such pensioners as have been absorbed will also be updated in terms of these orders. Cases of the government servants who have drawn one time terminal benefits in lump-sum equal to 100% of their pensions and are entitled to the restoration of one-third commuted portion of pension shall not, however, be covered by these orders.
- b) Orders have been issued by the government from time to time in regard to entitlement to family pension in case of those government servants who seek permanent absorption in Public Sector Undertaking/ Autonomous bodies. In cases where eligible members of the family of the deceased absorbed employee were in receipt of/ entitled to family pension as on 1.9.1988 in pursuance of the then existing orders, their family pension will also be revised in accordance with these orders.

9. Non accrual of arrear :-

No arrear on account of revision of pension/ family pension on notional fixation of pay will be admissible for the period from 1.9.1996 to 31.12.1996.

10. Deduction of existing commuted portion of pension from the revised pension:-

No commutation will be admissible for the additional amount of pension accruing as a result of this revision. The existing commuted portion of pension, if any, would continue to be deducted from the consolidated pension while making monthly disbursement.

11. Existing DCRG entitlement to remain unchanged due to notional fixation of pay :-

Notional fixation of pay as on 1.9.1988 will not effect DCRG entitlement already determined and paid with reference to rules in force at the time of retirement/ death of the Government employee.

12. Adjustment of amount of arrear already paid :-

Arrears if already paid on account of consolidation of pension/ family pension as an interim measure in the case of pre-1.9.1996 pensioners/ family pensioners (including pre-1988 pensioner/ family pensioner) in accordance with the provisions contained in Finance Department Memorandum F.15(2)FD(Rules)/98 dated 21.3.1998 shall be adjusted by Pension Disbursing Authorities against arrears becoming due on the revision of pension/ family pension on the basis of this order.

13. Revision of pension in cases where the Government servant retired /died in service while drawing pay in UGC pay scales :-

These orders shall also be applicable to pensioners/ family pensioners who retired/ died in service while drawing pay in UGC pay scales. However, in their case for determination of notional emoluments the date shall be 1.1.1986 instead of 1.9.1988.

14. Procedure for revision of pension/ family pension :-

- (1) Each pre-1988 pensioner/ family pensioner who was in receipt of pension/ family pension on 1.9.1996 shall be required to apply for revision of his/her pension/ family pension, as the case may be, in the form as at Annexure- II in duplicate to the Director or concerned Joint Director of Pension Department by 31.12.1998.
- (2) Those who fail to submit their application within the stipulated period will be deemed to have opted to continue to draw their existing pension/ family pension. However, any delay in submission of application for revision of pension will be condoned only with the approval of Finance Department. It will be in the interest of the pensioner to furnish full details available with him/her, which may facilitate fixation of his/her pay on notional basis, in the application submitted by him/her.
- (3) In cases where the pensioner/ family pensioner was alive as on 1.9.1996 and died subsequently, his/her legal heir(s) is/are also entitled to arrears w.e.f. 1.1.1997 till the date of death of pensioner/family pensioner. For this purpose legal heir(s) may also apply to the Director/ Joint Director, Pension.
- (4) The Director Pension/ Joint Director Pension shall scrutinize the application submitted by the pensioner/ family pensioner and in the case of pre-1988 pensioner/ family pensioners, he will fix his notional pay as required in para 2 of this Memorandum on the basis fixation tables attached with the respective pay scales rules.
- (5) The Pension Department, where necessary, shall obtain relevant information from the department from where the Government servant retired or died while serving in that department. It is possible that service records of some of the employees are not readily available. In such cases, the pensioner / family pensioner could be asked to produce copies of relevant orders etc. available with him/ her indicating the scale of pay of the post held by the Government servant at the time of retirement/ death as also qualifying service rendered (in case of pensioner only). However, the onus of verifying the correctness of records made available by the pensioner shall be with administrative authorities. In very rare cases, inspite of best efforts, if it is not possible to revise the pay on notional basis due to non availability of record, the pay of pre-1988 pensioner/ deceased Government servant could be fixed at the minimum of the revised pay scale of the post with effect from 1.9.1988.
- (6) On the basis of notional emoluments referred in para 2 of this Memorandum, the Director/ Joint Director of the Pension Department shall calculate the revised pension as per the formula of calculation of pension in force as on 1.9.1988. Similarly, he will also calculate the family pension at the rates in force as on 1.9.1988 as required under para 3 of this Memorandum. For notional fixation of pay service book shall not be required. Notional fixation shall be done on the basis of last post held by the Government servant and his last pay.

- (7) The pension/ family pension calculated as above will be consolidated in accordance with the provisions contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998. He will also calculate additional family pension in respect of pre-1988/ pre- 1996 pensioner/ family pensioner as required in para 4 and 5 of this Memorandum. The additional family pension so calculated shall be added to the consolidated family pension and total of consolidated family pension plus additional family pension shall be treated as basic family pension.
- (8) (a) The Director/ Joint Director of Pension Department shall issue revised authority under the existing pension payment order number and send it to the Treasury Officer/ Pension Payment Officer to whom the original pension payment order was sent.
- (b) In cases where the age of pensioner/ family pensioner as on 1.1.1998 is 70 years and above, the Treasury Officer/ Pension Payment Officer shall, after making necessary entries in the register of Treasury scroll, forward the revised pension payment order to the branch of the bank from which the pensioner/ family pensioner is drawing his/ her pension. The bank shall make the payment of arrear as well as revised pension as per the provisions of these orders.
- (c) (i) In other cases where the age of the pensioner/ family pensioner is less than 70 years as on 1.1.1998, the Treasury Officer / Pension Payment Officer shall recall the pension payment order from the bank from which the pension/ family pension is being disbursed.
- The Treasury Officer/ Pension Payment Officer shall calculate the amount of arrear payable to the pensioner on account of revision/ consolidation of pension as per these orders.
- (ii) The amount of arrear for the period 1.1.1997 to 31.12.1997 shall not be payable in cash. The pensioner/ family pensioner as per the same provisions contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 shall have option either to have the arrear amount for the period 1.1.1997 to 31.12.1997 deposited in the GPF Accounts or get the arrear amount in 60 equal monthly instalments. The arrear amount for the period commencing from 1.1.1998 and preceding the month from which the revised pension/family pension is paid to the pensions/ family pensions shall, however, be payable in cash. Thereafter the Treasury Officer/ Pension Payment Officer shall send the original and revised pension payment orders to the bank for disbursement of pension.”

EXAMPLES

		No. 1	No. 2	No. 3	No. 4
(i)	Date of Retirement	1.10.68	31.12.76	31.1.82	31.7.1996
(ii)	Scale of pay the time of retirement	275-650	750-1350	490-840	2500-4250
(iii)	Pay last drawn	650	1260	780	3500
(iv)	Pay revised from time to time	<u>Revised pay scale and Notional pay fixed</u>			
	R.P.S. 76	620-1100 1070	-	-	-
	R.P.S. 81	820-1550 1420	1000-1860 1600	-	-
	R.P.S. 86	1490-3050 2420	1720-3350 2600	880-1680 1460	-
	R.P.S. 88	2000-3200 2525	2200-4000 2725	950-1680 1550	-
(v)	Notional emoluments on 1.9.1988	2525 (In the scale of 2000-3200)	2725 (In the scale of 2200-4000)	1550 (In the scale of 950-1680)	3500 (In the scale of 2500-4250)
(vi)	Family pension admissible on 1.9.1988 at the rate in force on that date on notional emoluments at (v) above.	500	500	400	525 actual
(vii)	Consolidated family pension admissible on 1.9.96 with reference to notional emoluments (vi) above in terms of Finance Department Memorandum No.F.15(5)FD(Rules)/98 dated 11.6.1998	1540	1540	1275	1615 actual
(viii)	Family pension admissible on 1.9.96 @ 30% on notional emoluments as at (v) above.	758	818	465	1050 actual
(ix)	Additional Family pension admissible on 1.9.96 (column viii - vi)	758-500 =258	818-500 =318	465-400 =65	1050-525 =525
(x)	Total Family pension admissible on 1.9.1996 (column vii+ ix)	1540+258 = 1798	1540+318 = 1858	1275+65 = 1340	1615+525 = 2140

ANNEXURE II

APPLICATION FOR CONSOLIDATION/ REVISION OF PRE - 1.9.1988 PENSION/ FAMILY PENSION

FORM OF APPLICATION (To be submitted in duplicate)

To,

The Director,
Pension & Pensioners Welfare Department,
Rajasthan,
JAIPUR.

Subject : *Revision of pension/ family pension in the case of pre-1988 pensioners/ family pensioners as on 1.9.1996 in terms of Finance Department Memorandum No.F.15(5)FD(Rules)/98 dated 11th June, 1998.*

Sir,

Kindly revise my pension/ family pension entitlement shown in my PPO (Photo copy enclosed) in terms of the aforesaid Memorandum. The requisite particulars are given below :-

1. Name of the applicant in block letters and full postal address
2. Type of pension admissible
- *3. Name of the deceased Government servant/ pensioner in case of family pension
4. Date of retirement/ date of death of the Government employee
5. Date from which pension/ family pension is being drawn.
6. Pension Payment Order (P.P.O.) No.
7. Department in which the pensioner/ deceased Government servant (pensioner) served last and the post held by him.
8. The scale of pay of the post last held and the last pay drawn.
9. If any, documentary evidence is being attached to facilitate determination of length of qualifying service as also revised scale of pay for the post last held by the pensioner/ deceased Government servant or pensioner, details thereof.

10. # Name of the wife/ husband of the pensioner
11. Saving Bank account No. and name of the Bank
12. Age of the pensioner/ family pensioner as on 1.1.1998.
13. As the arrear amount for the period from 1.1.1997 to 31.12.1997 in case of pensioners/ family pensioners who are below the age of 70 years as on 1.1.1998 is not payable in cash, such pensioners/ family pensioners are required to exercise option as under.

I, hereby opt to receive the arrear of revised pension from 1.1.1997 to 31.12.1997-

- ** (a) in sixty equal monthly instalments.
- ** (b) by credit in General Provident Fund Account.
- ** (Strike out as per option)

Note : In case of pensioner / family pensioner who has given option for crediting the arrear amount in the G.P.F., the enclosed nomination form may also be filled by the pensioner / family pensioner and submitted to the pension disbursing authority alongwith this application.

Yours faithfully,

(Pensioner)

- # Applicable only in cases where the applicant is a pensioner.
- * Applicable only in cases where the applicant is a family pensioner.

Nomination Form

I nominateS/o, D/o, W/o
 Shri.....Ageyears who is my
(mention relation)
 to receive the amount of GPF in case of my death.

**Signature of the
 Pensioner / Family pensioner**

¹"(3) GOVERNMENT OF RAJASTHAN'S DECISION

The undersigned is directed to refer to para 14(1) of Finance Department's Memorandum of even number dated 11.6.1998 according to which pre-1988 pensioners/family pensioners who were in receipt of pension/family pension on 1.9.1996 were required to apply for revision of their pension/family pension, as the case may be, in the prescribed form to the Director or concerned Joint Director of Pension Department by 31.12.1998.

It has been brought to the notice of the Government that number of pensioners/family pensioners could not submit their applications within the above stipulated period for one or the other reason. Accordingly the matter has been considered and the Governor is pleased to order to extend the period for submission of application for revision of pension of pre-1988 pensioners/family pensioners upto 30.6.1999."

²Note: - The period for submission of application extended from time to time upto 31.12.2004.

³"(4) GOVERNMENT OF RAJASTHAN'S DECISIONS

Grant of minimum pension to the pensioners of Covenating States other than service pensioners.

There are certain pensioners who were granted various kinds of pension, stipend and allowance by the Government of the pre-covenating States prior to formation of Rajasthan viz : Maintenance allowance, Compensatory Allowance, Khanpan Allowance, Guzara, Paltu, Pardayat etc. and who were drawing such pension under a Pension Payment Order issued by the Accountant General. The amount of this pension was revised to Rs.40/- per month with effect from 1.4.1979 vide Finance Department Order No.F.1(11)FD/(Gr.2)/76 Pt. II dated 3.4.1979 and again to Rs.100/- per month with effect from 1.12.1992 vide F.D. Order No.F.1(22)FD(Gr.2)/92 dated 24.12.1992. The temporary increase in pension, Dearness Relief on pension and enhancement in the minimum pension sanctioned by the Government from time to time applies only to service pensioners (Civil). The pensioners of the aforesaid category were neither entitled to the temporary increase in pension nor for dearness relief on pension and nor for the minimum pension granted by the Government from time to time to the pensioners (Civil).

The matter has further been considered sympathetically and the Governor is pleased to order that the minimum pension admissible to the pensioners of Covenating States other than service pensioners under Finance Department Order No.F.1(22)FD(Gr.2)/92 dated 24.12.1992 may be revised from Rs.100/- per month to Rs.200/- per month with effect from 1st June, 2000.

These orders shall also apply to the retired employees of the ex-State Banks of pre-covenating States viz : Shri Krishna Bank, Bharatpur, Shri Ram Laxman Bank, Duingarpur, Bundi, Jhalawar State Bank, Jhalawar, Shahpura State Bank, Shahpura, Dholpur State Bank, Dholpur etc. who were granted pension by Government as a result of their liquidation or abolition.

This order shall not apply to (i) Political pensioners, (ii) Devasthan pensioners and (iii) the persons who are in receipt of Khandan allowance under the Tonk State Khandan Rules, 1944."

1. Inserted vide FD Order No.F.15(3)FD(Rules)/97 dated 30.1.1999.

2. Vide FD Memorandum No.F.15(5)FD(Rules)/98 dated 7.9.1999, 12.5.2000, 17.11.2000, 15.7.2002, 20.1.2004 and 21.5.2004.

3. Inserted vide FD Order No.F.15(2)FD(Rules)/2000 dated 6.6.2000.

¹"(5) GOVERNMENT OF RAJASTHAN'S DECISION

Attention is invited towards Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 under which provision has been made regarding non-accrual of arrears of pensionary benefits for the period of notional revision of pay scale of State Government employees. The State Government has also revised the pay scales of Government Polytechnic College Teachers with effect from 1.9.1996 vide Notification No.F.16(68)Fd(Rules)/98 dated 25.10.2001 with the condition that no arrear of pay and allowance would accrue to them for the period from 1.9.1996 to 31.12.1998.

Accordingly, the Governor is pleased to order that on the same lines in respect of Government Polytechnic College Teacher retired/died while in service during the period 1.9.1996 to 31.12.1998, no arrear of pension shall accrue upto 31.12.1998. Pension/Family pension calculated on pre-revised pay shall only be payable upto 31.12.1998 and the pension/family pension on revised notional pay shall be payable with effect from 1.1.1999. The Commutation and Gratuity to these Government Polytechnic College Teachers shall not be admissible on the revised notional pay, and the amount of Commutation/Gratuity already paid/payable on the pre-revised pay shall be treated as final."

²"(6) GOVERNMENT OF RAJASTHAN'S DECISION

Attention is invited towards Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 under which provision has been made regarding non-accrual of arrears of pensionary benefits for the period of notional revision of pay scale of State Government employees. The State Government has also revised the pay scales of Government Polytechnic College Librarian and Physical Training Instructor with effect from 1.9.1996 vide Notification No.F.16(68)FD(Rules)/98 dated 6.10.2003 with the condition that no arrear of pay and allowances would accrue to them for the period from 1.9.1996 to 31.12.1998

Accordingly, the Governor is pleased to order that on the same lines in respect of Government Polytechnic College Librarian and Physical Training Instructor retired/died while in service during the period 1.9.1996 to 31.12.1998, no arrear of pension shall accrue upto 31.12.1998. Pension/Family pension calculated on pre-revised pay shall only be payable upto 31.12.1998 and the pension/family pension on revised notional pay shall be payable with effect from 1.1.1999. The Commutation and Gratuity to these Government Polytechnic College Librarian and Physical Training Instructor shall not be admissible on the revised notional pay, and the amount of Commutation/Gratuity payable on the pre-revised pay shall be treated as final and any amount paid due to revision of pay scale under the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 shall be recoverable from the amount of revised pension in easy instalments."

³"(7) GOVERNMENT OF RAJASTHAN'S DECISION

In compliance of the order of Hon'ble Supreme Court in its Judgement dated 21.3.2002 read with order dated 17-1-2005 the Governor is pleased to order that-

1. **Retirement benefits to Judicial Officers shall be allowed as under :-**
 - (a) Age of Superannuation - The age of superannuation of Judicial Officers shall be as at present until further orders in this behalf are issued in the light of the directions of the Hon'ble Supreme Court in its Order dated 21.3.2002 in Writ Petition No. 1022/1989.
 - (b) Qualifying service for earning full pension continues to be 33 years.

1. Inserted vide FD Order No.F.15(3)FD(Rules)/97 dated 25.10.2001.
2. Inserted vide FD Order No.F.15(3)FD(Rules)/97 dated 6.10.2003.
3. Inserted vide FD Order No.F.13(8)FD(Rules)/02 dated 18.5.2005.

- (c) Last pay drawn shall continue to be taken as emoluments for purpose of pension. The State Pension Rules shall continue to apply for calculation of pension.
- (d) Commutation of pension shall be 50% of the pension with restoration after 15 years.
- (e) There is no ceiling for maximum pension.
- (f) The payment of DCRG and retirement Gratuity continue to be as per State Rules.
- (g) Family pension shall be determined as per State Rules.

The aforesaid provisions will come into force with effect from 1.7.1996 and will be applicable to Judicial Officers who have retired or ceased to be in service due to death or retirement on or after 1.7.1996, but shall not be applicable to judicial officers appointed to service on or after 1-1-2004.

2. Pension Structure for the past pensioners retired prior to 1-7-1996 :-

- (a) The revised pension/family pension of the Judicial Officers who have retired or died while in service prior to 1.7.1996 shall constitute the following:-
 - (i) Basic pension/family pension as on 1.7.1996.
 - (ii) Dearness Relief as on 1.1.1996 sanctioned vide FD Order No. F.1(25)FD(Gr.2)/93 dated 7.5.1996.
 - (iii) Interim Relief I & II sanctioned vide FD Order No. F.1(14)FD/Rules/95 dated 17.8.1995.
 - (iv) Fitment Weightage 40% of basic pension/family pension

The consolidated revised pension calculated above shall not be less than 50% of the minimum of the revised pay of the post held by the Judicial Officers at the time of retirement who have put in full qualifying service at the time of retirement. In respect of Judicial Officers who have put in less than the full qualifying service there shall be proportionate reduction.
- (b) The Dearness Relief shall be at the rates as are admissible to serving Judicial Officers.
- (c) The revision in pension shall come into effect from 1.7.1996 and will be applicable to Judicial Officers who have retired or ceased to be in service due to death or retirement prior to 1.7.1996.

3. To the above extent the relevant provisions of RCS (Pension) Rules, 1996 and RCS (Commutation of Pension) Rules, 1996 shall stand modified in respect of Judicial Officers appointed to service on or before 31-12-2003.”

¹(8) GOVERNMENT OF RAJASTHAN'S DECISION

The Governor is pleased to order that the existing para 2(b) of Finance Department order No.F.13(8)FD(Rules)/2002 dated 18.5.2005 may be deleted and existing para 3 may be renumbered as para 4 and following may be inserted as new para 3: -

“3. The Dearness Relief shall be at the rates as are admissible to serving Judicial Officers.”

This order shall come into force with effect from 1.7.1996.”

1. Inserted vide FD Order No.F.13(8)FD(Rules)/02 dated 10.04.2006.

B – RETIREMENT / DEATH GRATUITY

55. Retirement/Death Gratuity

- (1) (a) A Government servant, who has completed five years qualifying service and has become eligible for service gratuity or pension under Rule 54 shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16½ times the emoluments.
- (b) If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub rule (1) of rule 56 at the rates given in the Table below, namely :-

TABLE

Length of qualifying service	Rate of death gratuity
(i) Less than 1 year	2 times of emoluments
(ii) One year or more but less than 5 years	6 times of emoluments
(iii) 5 years or more but less than 20 years	12 times of emoluments
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed ¹"3.5 lacs rupees":

Provided further that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(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, together with the 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) Rule 56.

(3) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 45.

(4) For the purpose of this rule and rules 56, 58 and 59 '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,

1. The existing figures and words "2.5. lacs rupees" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.98 w.e.f. 1.1.1997.

- (ii) husband, including judicially separated husband in the case of a female Government servant,
- (iii) sons including stepsons 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 individuals whose personal law
- (vii) mother, | permits adoption,
- (viii) brothers below the age of eighteen years including step brothers,
- (ix) unmarried sisters & widowed sisters including step sisters,
- (x) married daughters, and
- (xi) children of a predeceased son.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. **Benefits admissible in cases of suicide also**

The Pension Rules do not prohibit the grant of family pension/death gratuity to the family of a Government servant who commits suicide.

2. The entire service rendered by a Government servant which qualifies for pension also qualifies for Death/Retirement Gratuity. Thus the benefit of rounding off qualifying service of three months and above into a completed six monthly period is applicable in the case of Retirement/Death Gratuity also.

3. **Determination of Death Gratuity when service records are incomplete**

(i) If the deceased Government servant had, at the time of death, rendered more than five years qualifying service but less than twenty years qualifying service, and the spell of last five years service has been verified and accepted by the Head of Office, the amount of death gratuity shall be equal to 12 times of deceased Government servant's emoluments, as indicated in clause (b) of sub rule (1) of rule 55. Where the verified and accepted service is less than five years of qualifying service, the amount of death gratuity shall be equal to twice or six times of his emoluments, as indicated in clause (b) of sub rule (1) of rule 55.

(ii) If the deceased Government servant had rendered more than twenty years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub clause (i), the family of the deceased Government servant shall be allowed on provisional basis the death gratuity equal to 12 times of emoluments. Final amount of the gratuity shall be determined by the Head of Office on the basis of the entire spell of service which may be verified and accepted by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death cum retirement gratuity shall then be authorised to the beneficiary or beneficiaries.

4. **Retirement/death gratuity may be paid to the family after one year, in case an official's whereabouts are not known**

Where family pension has been sanctioned in case of a missing Government servant, after observing the formalities, as mentioned in 2nd proviso to rule 61, the family may also be paid/granted-

(i) Death gratuity not exceeding the amount which would have been payable as Retirement gratuity if the person had retired. The difference between retirement gratuity and death gratuity shall be, subsequently, payable after the death is conclusively established or on the expiry of seven years period from the date of missing.

(ii) Amount of -

(a) salary due,

(b) leave encashment due,

(c) G.P.F. having regard to the nomination made by the employee.

The Head of Office will assess all Government dues outstanding against the Government servant and ensure recovery in accordance with rule 92 of R.C.S. (Pension) Rules, 1996, and other instructions in force for effecting recovery of Government dues. The Head of office will record details of all payments made to the family in the service book to avoid double payment in case Government servant reappears.

56. Persons to whom gratuity is payable

(1) (a) The gratuity payable under rule 55 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Rule 59.

(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 clause (i), (ii), (iii) and (iv) of sub rule (4) of rule 55, 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 (4) of rule 55 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 55, 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 remarries, 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 55 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Payment of minor's share of death/retirement gratuity to guardian

(1) Payment of the minor(s)' share of death/retirement gratuity is to be made to the natural guardian of the minor(s), and in the absence of a natural guardian, to the person who furnishes a guardianship certificate.

(2) In a case where payment of the minor(s)' share of death/retirement gratuity is to be made to the natural/legal guardian, in order to issue the necessary payment authority in his/her favour, the Director, Pension Department must know this fact, as well as the name of the natural/legal guardian. If the above information is not given in the sanction letter, the Director, Pension Department has to make enquiries on this point from the sanctioning authority, resulting in avoidable delay in the payment of death/retirement gratuity. To obviate such delays, the sanctioning authority should in future in all cases of this nature intimate the aforesaid particulars in the sanction letter itself.

(3) The legal position as to whom the share of a minor in the capacity of minor's natural/legal guardian would be payable is explained as under-

- (1) Where no valid nomination subsists:
 - (a) When a share is payable to minor sons or minor unmarried daughters, it should be paid to the surviving parent except in the case when the surviving parent happens to be a Muslim lady. Where, however, there is no surviving parent, or the surviving parent is a Muslim lady, payment will have to be made to the person producing the guardianship certificate.
 - (b) When a share is payable to widowed minor daughter(s), production of a guardianship certificate would be necessary.
 - (c) If in a rare case the wife herself happens to be a minor, the death/retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.
 - (d) When the death/retirement gratuity becomes payable to a minor brother or a minor unmarried sister, the payment should be made to the father or, in his absence the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister the production of guardianship certificate would be necessary.
- (2) Where a valid nomination subsists:
 - (a) Where the nomination is in respect of one or more of the members of the family, the position stated against para (3)(1) would apply.
 - (b) Where there is no family, the nomination in favour of an illegitimate child or married sister would also be valid. The position would, therefore, be as follows:-
 - (i) If the nominee is an illegitimate child, the share will be payable to the mother, and in her absence, the production of a guardianship certificate would be necessary.
 - (ii) If the share is payable to a married girl, the share will be payable to the husband.

Note - A surviving stepmother is not a natural guardian of the minor child, and is not, therefore, covered by the term 'surviving parent' used in para (3)(1) (a) above.

2. Special relaxation for payment of minor's share without guardianship certificate, up to the extent of Rs.10,000.

(1) Decision No. 1 lays down that the payment of a minor's share of death/retirement gratuity is to be made to the person producing a guardianship certificate when there is no surviving parent or the surviving parent is a Muslim lady. It has been represented that in many cases, the production of guardianship certificate causes great inconvenience and entails delays in the settlement of the claims.

(2) It has been decided in modification of the above decision that payment of death/retirement gratuity to the extent of Rs.10,000 (or the first Rs.10,000 where the amount payable exceeds Rs.10,000) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without the production of a formal guardianship certificate but subject to the production of an indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of Rs. 10,000, if any, would become payable on the production of a certificate of guardianship.

(3) It is essential, however, that there should be adequate prima facie grounds for making payment as in paragraph (2) above, to the person claiming it. Such ground can exist only if he is shown by a sworn declaration to be a de facto guardian and his bonafides have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person is in law a de facto guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in charge of the property of the minor and is looking after it or that, if the minor has no property other than the gratuity, the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.

(4) The indemnity bond which is to be required to be produced by a de facto guardian of minor(s) for payment of death/retirement gratuity to the extent of Rs.10,000 should be executed in the form appended below.

(5) It has been decided that the stamp duty payable on the indemnity bond will be borne by the Government. The indemnity bond should, therefore, be executed on any durable plain paper.

(6) The indemnity bond should be signed by the obligor and the surety/sureties or their respective attorneys appointed by power(s) of attorney. The indemnity bond on behalf of the Governor should be accepted by an officer duly authorised under Article 299 (1) of the Constitution.

INDEMNITY BOND

KNOW ALL MEN by these presents that we (a)..... (b)..... the widow/son/brother, etc. of (c)..... deceased, resident of..... (hereinafter called "the Obligor") and (d)..... son/wife/daughter of resident of..... and son/wife/daughter of resident of the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the Governor of Rajasthan (hereinafter called "the Government") in the sum of Rs..... (Rupees.....only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed thisday of.....one thousand nine hundred and

WHEREAS (c) was at the time of his death in the employment of the Government/receiving a pension at the rate of Rs. (Rupees.....only) per month from the Government.

AND WHEREAS the said (c) died on the day of19..... and there was due to him at the time of his death the sum of Rs..... (Rupees.....only) for and towards share of his minor son/daughter in the death/retirement gratuity.

AND WHEREAS the Obligor claims to be entitled to the said sum as de facto guardian of the minor son/daughter of the said (c)..... but has not obtained till the date of these presents the certificate of guardianship from any competent court of law in respect of the said minor(s).

AND WHEREAS the Obligor has satisfied the (e) that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Obligor be required to produce the certificate of guardianship from the competent court of law before payment to him of the said sum of Rs.....

AND WHEREAS the Government has no objection to the payment of the said sum to the Obligor but under Government Rules and Orders, it is necessary for the Obligor to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (c)..... before the said sum can be paid to the Obligor.

AND WHEREAS the Obligor and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs..... refund to the Government the said sum of Rs..... and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so relating the surety/sureties, from such liability nor shall it be necessary for the Government to sue the

Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named 'Obligor' in the presence of

1.....

2.....

Signed by the above named 'Surety/Sureties'

1.....

2.....

Accepted for and on behalf of the Governor of Rajasthan by

[Name and designation of the Officer directed or authorised, in pursuance of Article 299(1) of the Constitution, to accept the bond for and on behalf of the Governor] in the presence of

(Name and designation of witness)

- NOTE I.-
- (a) Full name of the claimant referred to as the 'Obligor'.
 - (b) State relationship of the Obligor to the deceased.
 - (c) Name of the deceased Government Officer.
 - (d) Full name or names of the sureties with the name or names of the father(s)/husband(s) and place of residence.
 - (e) Designation of the officer responsible for payment.
- NOTE II. - The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

57. Debarring a person from receiving gratuity

(1) If a person who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of Rule 56 is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

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

- (a) is convicted for the murder or abetting in the murder of the Government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,
- (b) is acquitted of the charge of murdering or abetting in the murder of the Government servant, his share of gratuity shall be payable to him.

(3) The provisions of sub rule (1) and sub rule (2) shall also apply to the undisbursed gratuity referred to in sub rule (2) of rule 56.

58. Lapse of retirement gratuity/death 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 by him does not subsist, the amount of retirement gratuity/death gratuity payable in respect of such Government servant under rule 55 shall lapse to the Government:

Provided that the Government may grant the gratuity to any person who was dependent on the deceased Government servant of support, if such a course is considered justified on compassionate grounds.

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

59. 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 the case may be, conferring on one or more persons the right to receive the retirement gratuity/death gratuity payable under rule 55.

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

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of 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 Head of Office:

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

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub rule (3) or on the occurrence 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 Head of Office a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

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

(b) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody:

Provided that the Head of Office may authorise his subordinate Gazetted Officers to countersign nomination forms of non-gazetted Government servants.

(c) Suitable entry regarding receipt of nomination shall be made in the service book of the Government servant concerned.

(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 Head of Office.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Importance of nomination and their safe custody

Nomination for death/retirement gratuity etc. and related notices are important documents on the basis of which the claims of the beneficiaries have to be established and settled. Instance of cases have come to notice where nominations made by deceased officers and related papers were not traceable in the official records of the Head of the Office and were treated as lost. This defeats the very purpose underlying nominations and causes inconveniences and delay all round. To obviate the possibility of such losses in future, it has been decided that the nomination papers should after countersignature, be kept in separate confidential file which should be lodged for safe keeping with the Head of the Office or other responsible officer nominated by him for this purpose, and a clear note made in the service book of the officer as to what nominations and related notices have been received from him and where they have been lodged for safe custody, so that there should be no difficulty in locating the documents when the occasion for making a reference to them arises.

2. All Government servants are advised that it would be in the interest of their nominees if they would preserve copies of the nominations made by them and of the related notices and acknowledgements, either in their personal custody or in safe deposit along with their other important personal documents, etc. where they may be expected to come into the possession of the beneficiaries in the event of their death.

3. Where a Will is made by a Government servant and it expressly authorises a person in the absence of the members of his family to receive Retirement/Death Gratuity and is filed by the Government servant concerned in the department during his life time, then such a Will amounts to nomination for purpose of payment of Retirement/Death gratuity and accordingly Retirement/Death Gratuity is payable to such a person.

4. In order to avoid any legal complications that might arise it is hereby notified for information of all concerned that only the certified copies of nominations for Retirement/Death Gratuity may be sent to the Director, Pension Department, Rajasthan, with the pension papers, the original being retained in the office of issue.

5. According to Rule 59, a Government servant shall make nomination for retirement/death gratuity on his initial confirmation in service and not necessarily on completion of five years qualifying service making him eligible for retirement/death gratuity. It is clear that the nomination must be made by the Government servant while he is holding an office and is in service. As a pensioner cannot after his retirement be said to be holding an office, any nomination made by him after retirement is not valid. The payment of retirement/death gratuity in such cases should, therefore, be made to the surviving members of the family or the deceased Government servant in the manner provided in rule 56 (1) (b) and not to the nominee or nominees.

C. FAMILY PENSION RULES

60. Applicability

The provisions of these rules shall apply to all Government servants on pensionable establishment, whether temporary or permanent, who are in service on the 1st day of October, 1996, or who enter service on or after that date, but shall not apply to -

- (a) persons paid from contingencies;
- (b) work charged staff;
- (c) casual labour; and
- (d) persons appointed on contract.

61. Admissibility of pension

Family pension on the rates specified in Rule 62 shall be granted, under these rules, to the family of a government servant who dies on or after the 1st October, 1996 -

- (a) While in service, after completion of one year of continuous service, provided that in the following cases, the condition of one year's service will not be applicable:
 - (i) Persons appointed as probationers against permanent posts,
 - (ii) Persons recruited, through Rajasthan Public Service Commission for appointment on temporary posts within their purview,
 - (iii) Persons recruited strictly in accordance with service rules in case of temporary posts outside the purview of the Rajasthan Public Service Commission .

NOTE : "Continuous service" for the purpose of these Rules, means service rendered in a temporary or permanent capacity in a pensionable establishment but does not include:

- (i) the period of service, if any, rendered before attaining the age of eighteen years, and
- (ii) the period of suspension, if any.

The continuous service will not include broken periods of service.

(b) After retirement from service, if he was in receipt of pension on the date of death, other than pension referred to in rule 33:

Provided that if a pensioner after retirement from service, is unheard of for more than a period of one year and the service pension has also remained undrawn by the pensioner, the family pension at the rate prescribed under rule 62 subject the maximum limit of service pension sanctioned to the Government servant shall be sanctioned and authorised to the member of his/her family as defined under rule 66 (1) on submission of an application alongwith Indemnity Bond and Affidavit in the prescribed forms 15, 15A and 15B alongwith a copy of F.I.R. lodged with the police about the disappearance of the pensioner. If in any case, the pensioner subsequently reappears, the family pension shall immediately cease to be admissible and payable and the amount so paid shall be adjusted out of arrears of service pension, if paid to the pensioner:

1”CLARIFICATION

Under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 a Government servant with less than 10 years of qualifying service can be retired on invalid pension, compensation pension and compulsory retirement pension respectively.

Under Rule 3(p) of Rajasthan Civil Services (Pension) Rules, 1996 ‘Pension’ includes gratuity except when the term pension is used in contradistinction to gratuity and under Rule 3(k)(i) ‘Gratuity’ includes service gratuity.

A doubt has been raised regarding the applicability of provisions of Rajasthan Civil Services (Pension) Rules, 1996 whether a Government servant who is retired under Rule 35, 38 and 42 of Rajasthan Civil Services (Pension) Rules, 1996 with less than 10 years of qualifying service is entitled to pension or service gratuity.

In this regard the relevant provisions as contained in Rule 122(3)(b) of Rajasthan Civil Services (Pension) Rules, 1996 are reproduced below: -

“If the employee eligible for disability pension under these Rules is invalidated/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996.”

Accordingly it is clarified that in any kind of retirement with less than 10 years of qualifying service only service gratuity shall be admissible under Rule 54(1) of Rajasthan Civil Services (Pension) Rules, 1996 and in such cases on the death of a retired Government servant, no family pension shall be payable to the family of the deceased retired Government servant under provisions contained in Rule 61(b) of Rajasthan Civil Services (Pension) Rules, 1996.”

NOTE

With regard to payment of arrears of service pension on reappearance of pensioner or otherwise, refer to rule 144 and 146 respectively.

Provided further that if a Government servant is unheard of for more than a period of one year, the family pension at the rate prescribed under rule 62 shall be sanctioned and authorised to the member of his/her family as defined under Rule 66(1) on submission of an application alongwith Indemnity Bond and Affidavit in the prescribed forms 16, 16A and 16B and also a copy of the F.I.R. lodged with the police about the disappearance of the Government servant. If in any case, the Government servant subsequently reappears the family pension shall immediately cease to be admissible and payable. The amount of family pension already paid to the family, shall be recoverable from the salary of the Government servant. The cases in which officials disappear after committing frauds, the family pension needs to be sanctioned only on the Government employee being acquitted by the Court of Law or after conclusion of disciplinary proceedings etc. as the case may be.

- Notes (1) The family pension granted under first and second provisos to rule 61, shall be payable from the date of expiry of one year period of a missing pensioner/Government servant or from the date of lodging of F.I.R., whichever is later.
- (2) Regarding arrears of family pension, see rule 146 and 147.
- (3) Regarding payment of other retirement benefits or dues of a missing Govt. servant, see Government of Rajasthan’s Decision below rule 55.

1. Inserted vide FD Clarification No. F.15(1)FD(Rules)/97 dated 23.03.2007

62. Amount of family pension

¹(i) Family pension shall be admissible @ 30% of ²"emoluments" subject to a minimum of Rs.1275/- per month and maximum of 30% of the highest pay in Government ³[(the highest pay in the Government is Rs.24,850/- since 1.7.1996)]."

(ii) (a) Where a Government servant who is not governed by the Workmen's Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family pension payable shall be at 50% of the emoluments last drawn or twice the amount of family pension admissible under sub rule (i) whichever is less.

(b) Where a Government servant who is governed by the Workmen's Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family of such a Government servant shall also be entitled to the family pension equal to 50% of the pay last drawn or one and a half times the family pension admissible under sub rule (i), whichever is less:

Provided that where compensation is not payable to a Government servant under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Director, Pension Department, Rajasthan to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and in such a case the family of such a Government servant shall be entitled to family pension as admissible in sub rule (ii) (a).

(iii) The amount of family pension at enhanced rates under sub rule (ii) in respect of Government servants who retired/retire on or after 1st October, 1996 or died/die while in service on or after 1st October, 1996, shall be payable:-

(a) in the event of death of a Government servant while in service for a period of seven years following the date of death or till the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever period is shorter;

(b) Where a Government servant who is governed by the Workmen's Compensation Act, 1923 as amended from time to time dies while in service after having rendered not less than 7 years continuous service prior to his death, the family of such a Government servant shall also be entitled to the family pension equal to 50% of the pay last drawn or one and a half times the family pension admissible under sub rule (i), whichever is less:

1. The existing clause "(i) of Rules 62 " substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.

"(i) The amount of family pension admissible under these rules will be as follows :-

<i>Monthly emoluments of Government servant</i>	<i>Rate of family pension per month</i>
<i>(a) Not exceeding Rs. 1500.</i>	<i>30% of emoluments subject to a minimum of Rs.300.</i>
<i>(b) Exceeding Rs. 1500 but not exceeding Rs.3000.</i>	<i>20% of emoluments subject to a minimum of Rs.450.</i>
<i>(c) Exceeding Rs.3000.</i>	<i>15% of emoluments subject to a minimum of Rs.600 and maximum of Rs.1250."</i>

2. The existing words "basic pay" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 11.6.1998 w.e.f. 1.10.1996.

3. The existing words and figures "(the highest pay in the Government is Rs.22,400/- since 1.9.1996)" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 20.4.2004 w.e.f. 1.10.1996.

Provided that where compensation is not payable to a Government servant under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Director, Pension Department, Rajasthan to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and in such a case the family of such a Government servant shall be entitled to family pension as admissible in sub rule (ii) (a).

- (iii) The amount of family pension at enhanced rates under sub rule (ii) in respect of Government servants who retired/retire on or after 1st October, 1996 or died/die while in service on or after 1st October, 1996, shall be payable:-
- (a) in the event of death of a Government servant while in service for a period of seven years following the date of death or till the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever period is shorter;
 - (b) in the event of death after retirement, the family pension at the enhanced rates indicated in clause (ii) shall be payable till the date on which the deceased government servant would have attained the age of 65 years, had he survived, or for seven years, whichever period is shorter, but in no case the amount of family pension shall exceed the pension sanctioned to the Government servant at the time of retirement. However, in cases where the amount of family pension as admissible under sub rule (i) exceeds the pension sanctioned at the time of retirement, the amount of family pension sanctioned under this clause shall be the amount of family pension admissible under sub rule (i). The pension sanctioned at the time of retirement shall be the pension inclusive of the part of pension which the retired Government servant may have commuted before death; and
 - (c) after the expiry of the period referred to in clause (a) and (b) above, the pension payable will be at rates laid down in sub rule (i).
- ¹"(iv) Notwithstanding anything contained in clause (ii) and (iii), the amount of family pension in the case of parent shall be as admissible in clause (i)."

NOTES

(1) In the case of a Government servant who dies while on extension of service, the date upto which the extension of service had been sanctioned to him before his death, will be deemed to be the normal date of superannuation.

(2) 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.

(3) The commutation of pension by a pensioner has no effect on the quantum of family pension.

1. Inserted vide FD Notification No.F.15(3)FD(Rules)/97 dated 8.8.2000. These rules shall be deemed to have come into force with immediate effect. It shall also be applicable to the cases pertaining to the period before issue of this notification but with immediate effect. The past cases decided otherwise need not be re-opened but hence forth they will be regulated in accordance with the provisions amended by this notification.

¹"(1) GOVERNMENT OF RAJASTHAN'S DECISION

Grant of Exgratia Payment to widows of deceased contributory Provident Fund Retirees.

The undersigned is directed to invite attention towards FD Memorandum No.F.1(35)FD(Gr.2)/87 dated 2.7.1991 and 2.7.1992 vide which alive widows of Jodhpur CPF retirees / beneficiaries who died while in service were granted Exgratia payment at the rate of 150/- per month plus Dearness Relief as may be sanctioned from time to time. Besides this, these widows of CPF retirees were also allowed first, second and third Interim Relief Allowed to the State Pensioners.

Consequent upon revision of pay scales of the State Government employees the pension of the State Pensioners Family Pensioners have been consolidated and they are being allowed payment of Dearness Relief at the revised rates on consolidated pension.

Accordingly, the Governor is pleased to order that the Exgratia payment admissible to the aforesaid widows may be consolidated to Rs.572/- by mergings the amount of Exgratia payment, Dearness Relief thereon at the rate in force as on 1.1.1996 plus amount of first, second and third Interim Relief. On this consolidated amount of Exgratia payment. Dearness Relief as may be sanctioned from time to time to the State Pensioners shall be admissible to them. This order shall deemed to have come into force with effect from 1.7.1997."

²"(2) GOVERNMENT OF RAJASTHAN'S DECISION

The undersigned is directed to say that in accordance with the provisions contained in Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998, the family pension, w.e.f. 1.9.1996, shall be calculated at a uniform rate of 30% of basic pay in all cases instead of slab system and shall be subject to a minimum of Rs. 1275/- per month and a maximum of 30% of the highest pay in the Government (the highest pay in the Government is Rs. 22400/- since 1.9.1996). It has been decided by the Government that the benefit of the aforesaid enhanced rate of family pension may also be extended in the case of pre-96 pensioners/ family pensioners w.e.f. 1.9.1996. Accordingly it has been provided in this Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 regarding revision of pension/ family pension of pre-1996 retirees that the consolidated family pension worked out in accordance with provisions of this Memorandum shall be final in the case of only those family pensioners who became entitled for family pension during the period from 1.9.1988 to 31.8.1996 and were sanctioned family pension at the rate of 30% of the last pay drawn by the pensioner/deceased employee and that in case of other pensioners/ family pensioners, consolidation of pension should be treated as an interim measure to provide them immediate relief. Subsequently orders have been issued for revision of pension/ family pension of pre-1988 pensioners/ family pensioners w.e.f. 1.9.1996 vide this Department Memorandum No.F.15(5)FD(Rules)/98 dated 11.6.1998 wherein provision for sanction of family pension @30% has already been made.

2. In continuation of instructions contained in this department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 and Memorandum No. F.15(5)FD(Rules)/98 dated 11.6.98 the procedure for consolidation of family pension of Government servants who retired/ died between 1.9.1988 to 31.8.1996 and whose last pay drawn exceeded Rs.1330/- has further been simplified and now family pension may also be revised/ consolidated by the Pension Payment Officer/ Treasury Officer in the following manner:-

-
1. Inserted vide FD Memorandum No.F.15(3)FD(Rules)/98 dated 1.6.1998.
 2. Inserted vide FD Memorandum No.F.15(2)FD(Rules)/98 dated 15.4.1999.

(i) The existing family pension shall be consolidated w.e.f. 1.9.1996 in accordance with the provisions contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998.

(ii) Family pension shall be re-calculated at the rate of 30% of the last pay drawn by the pensioner/ deceased employee and the difference between the family pension already admissible under slab system and @30% of last pay drawn shall be worked out.

(iii) The additional family pension becoming due on account of the difference between family pension already admissible under slab system and at the rate of 30% of last pay shall be added to the consolidated family pension worked out as at (i) above. The total of these two amounts i.e. the consolidated family pension plus additional family pension shall be basic family pension w.e.f. 1.9.1996 which shall be payable w.e.f. 1.1.1997 and shall be subject to the prescribed limits.

(iv) Dearness Relief on the basic family pension as at (iii) above shall be admissible in accordance with the orders issued by the Government from time to time w.e.f. 1.1.1997.

3. Revision/ consolidation of enhanced family pension admissible for a specified period as per extant rules to the eligible members of the family of a deceased Government employee/pensioner shall be done as follows: -

(i) Revision of enhanced consolidated family pension will be necessary only in those cases where the Government servant/ pensioner was in receipt of last pay exceeding Rs.1330/- p.m. and who retired/ died on or after 1.9.1989 and in respect of whom family pension at enhanced rate was admissible on or after 1.9.1996. In other cases where last pay was upto Rs.1330/-, family pension at normal/ enhanced rate will be consolidated in terms of provisions contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 and accordingly table appended thereto could be utilised for updating their normal/ enhanced family pension.

(ii) In cases of family pensioners referred to at (i) above, family pension will be consolidated/ revised both at enhanced rate as well as at normal rate separately, subject to provisions of normal rules. The updated normal rate of family pension will become applicable from the date family ceases to be eligible for enhanced rate. The floor ceiling of Rs. 1275/- p.m. will also be applied separately for family pension admissible at normal as well as enhanced rate. In no case enhanced family pension will be allowed at twice the consolidated/revised normal rate of family pension.

(iii) In the case of existing pensioner at (i) above in whose case the family pension has not come into operation as the pensioner was alive on 1.9.1996, the rate of family pension at enhanced rate wherever applicable and at normal rate will also be updated and consolidated in terms of this order. The updated rates of family pension will apply as and when family pension becomes payable in such cases.

4. An example regarding calculation of basic family pension and enhanced family pension admissible from 1.9.1996 is given at Annexure -I.

5. Arrears if already paid on account of consolidation of family pension as an interim measure in accordance with the provisions contained in this Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998 and also dearness relief thereon, shall be adjusted by pension disbursing authorities against arrears becoming due on the revision of family pension and dearness relief admissible on the basis of this order.

6.(i) Each pensioner/family pensioner, as the case may be, who is entitled to the benefit of revision of family pension in terms of this order is required to apply for revision of family pension in the prescribed form in triplicate as at Annexure II to his/her pension disbursing authority. The pensioner/ family pensioner shall surrender his/her half of Pension Payment Order to the pension disbursing authority i.e. the branch of the Bank/ Pension Payment Officer/ Treasury Officer alongwith the application for revision of family pension.

(ii) The Pension paying branch of the Bank will forward two copies of the application alongwith both the halves of Pension Payment Order to the concerned Pension Payment Officer/ Treasury Officer and one copy shall be retained by the Bank.

(iii) The Bank shall continue to make disbursement of pension/ family pension at the last rate for a period of six months or receipt of the revised Pension Payment Order whichever is earlier.

(iv) The respective Pension Payment Officer/ Treasury Officer shall calculate the revised basic family pension and enhanced family pension by using the same format as given in the example at Annexure-I and will keep this sheet with the file of pensioner maintained in his office for checking/ audit in future.

(v) The respective Pension Payment Officer/ Treasury Officer shall indicate the revised amount of family pension in the Pension Payment Order of the pensioner/ family pensioner in the format given below :-

"Enhanced family pension @ from 1.1.1997 or date of death whichever is later and upto and thereafter @ as per conditions laid down in original Pension Payment Order/ Family Pension Order."

(vi) The Pension Payment Officer/ Treasury Officer shall calculate the amount of arrear, if any for the period from 1.1.1997 to 31.12.1997, in cases where the age of family pensioner was less than 70 years as on 1.1.1998. The procedure and conditions of payment of this arrear amount shall be the same as is contained in Finance Department Memorandum of even number dated 21.3.1998. The payment of arrear in cases where the age of family pensioner as on 1.1.1998 was 70 years or above shall be made in cash.

7. In cases where the family pensioner was alive on 1.9.1996 and died subsequently his/her legal heir is/are also entitled for life time arrears w.e.f. 1.1.1997 till the death of family pensioner. For this purpose legal heir/heirs may also apply to pension disbursing authority.

8. Orders have been issued by the Government from time to time in regard to entitlement to family pension in case of those Government servants who seek permanent absorption in Public Sector Undertakings or Autonomous Bodies etc. In cases where eligible member of the family of the deceased absorbee were in receipt of/ entitled to family pension as on 1.9.1996 in pursuance of the existing orders, their family pension will also be revised in accordance with these orders.

9. Notwithstanding anything contained in this Order, no arrear shall be payable for the period from 1.9.1996 to 31.12.1996 on account of revision of family pension.

10. The mode of payment of arrear and procedure for payment of arrear shall be as contained in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated 21.3.1998."

Example indicating calculation of basic family pension and enhanced family pension w.e.f. 1.9.1996.

(i)	Date of retirement	:	31.1.1990
(ii)	Scale of pay	:	3000-4500
(iii)	Last pay	:	3100/-
(iv)	Family pension admissible at the rate in force	:	Rs.500/-
(v)	Enhanced family pension (before 1.9.1996)	:	Rs.1000/-
			(1. In cases of retirement - double of normal family pension or pension sanctioned to retired Government servant, whichever in less.
			2. In case of death while in service - double of normal family pension or 50% of last pay, whichever in less.)
(vi)	Consolidated Family Pension (In terms of Memorandum dated 21.3.1998)		
	(a) Normal rate	:	Rs.1540/-
	(b) Enhanced rate	:	Rs.3030/-
(vii)	(a) Family pension admissible @ 30% of last pay as at (iii) above	:	Rs.930/-
	(b) Enhanced family pension	:	Rs.1550/-
			(50% of last pay or amount of pension whichever is less except in case of death while in service it shall be 50% of last pay)
(viii)	(a) Additional Family pension	:	930-500 = 430
	(b) Enhanced additional family pension	:	1550-1000 = 550
(ix)	(a) Basic family pension (normal rate) on 1.9.1996	:	1540+430 = 1970
	(b) Enhanced family pension on 1.9.1996	:	3030+550 = 3580

FORM OF APPLICATION

To,

The Pension Payment Officer/
Treasury Officer

Subject : - Revision of family pension.

Sir,

Kindly revise my family pension entitlement shown in my Pension Payment Order (Pensioner's half enclosed) in terms of the Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated the 15th April, 1999. The requisite particulars are given below :-

1. Name of the applicant in block letters and full postal address :
2. Name of the deceased Government servant/ pensioner :
3. Name of Wife/Husband :
4. Date of retirement/ death of the Government employee :
- *5. Date from which family pension is being drawn. :
6. Pension Payment Order (P.P.O.) No. :
7. Office/Department in which the pensioner/ deceased Government servant (pensioner) served last and the post held by him. :
8. The scale of pay of the post last held and the last pay drawn. :
9. Name of the authority which issued PPO. :
10. Name of the Pension Disbursing Authority (with Saving Bank Accounts Number, whichever applicable). :

*Applicable only in cases where the applicant is a family pensioner.

DATE :

(SIGNATURE OF PENSIONER/FAMILY PENSIONER)

63. Family Pension not admissible on award of extra ordinary pension

Where an award under the extra ordinary pension rules is admissible, no family pension under these rules shall be authorised.

64. Regulation of family pension to the family of a re-employed military pensioner

A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force instructions and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension already authorised under the aforesaid Army/Navy/Air Force instruction, be governed as follows:-

- (i) if he dies while holding a civil post, his family shall be allowed family pension under these rules or the family pension authorised at the time of retirement or discharge from the Military service, whichever is more advantageous to the family;
- (ii) if he retires from the civil re-employment without earning any pension therefor, his family shall be entitled to family pension as authorised at the time of his retirement/discharge from military service;
- (iii) if he retires from civil re-employment after becoming eligible for pension therefor, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under these rules or to avail of family pension benefits as authorised at the time of his retirement/discharge from military service and the said option once exercised shall be final, and irrevocable.

65. Family pension not to be granted to a person in receipt of or eligible for the same from other sources

Family pension admissible under these rules shall not be granted to a person who is already in receipt of Family Pension or is eligible therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or/a State Government:

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

66. Definitions

(1) 'Family' for the purpose of these rules will include the following relations of the Government servant:-

- (a) wife, in the case of a male Government servant and husband, in the case of a female Government servant;
- (b) a judicially separated wife or husband, such separation not being granted on the ground of adultery;

- ¹"(c) son / daughter including widows/divorced daughter till he/she attained the age of 25 years or on earning a monthly income exceeding Rs.2550/- or upto the date of his/her marriage/re-marriage, whichever is earlier. The term son/daughter shall also include son/daughter adopted legally and posthumous child of a Government servant.
- (d) parents who were wholly dependant upon the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child and the income of parent is not more than Rs.2550/- per month."

(2) 'Emoluments' means emoluments as defined in Rule 45 of Rajasthan Civil Services (Pension) Rules, 1996, which the deceased Government servant was drawing on the date of his death while in service or immediately before his retirement; if on the date of his death while in service or immediately before his retirement such Government servant has been absent from duty on leave (including extraordinary leave) or suspension, emoluments means the emoluments which he drew immediately before proceeding on such leave or suspension.

67. Condition of grant

The family pension shall be admissible to -

- (a) a widow/widower, up to the date of death or remarriage, whichever is earlier;
- ²"(b) unmarried son till he attains the age of twenty five years or on earning a monthly income exceeding Rs.2550/-.
- (c) daughter including widowed/divorced daughter till she attains the age of 25 years or on earning a monthly income exceeding Rs.2550/- per month or upto the date of her marriage/re-marriage, whichever is earlier.
- (d) parents who were wholly dependent upon the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child and the income of parent is not more than Rs.2550/-."

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 twenty five years, the family pension shall be payable to such son or daughter for life, subject to the following conditions, namely, -

-
1. The existing clause (c) and (d) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 8.8.2000. These rules shall be deemed to have come into force with immediate effect. It shall also be applicable to the cases pertaining to the period before issue of this notification but with immediate effect. The past cases decided otherwise need not be re-opened but hence forth they will be regulated in accordance with the provisions amended by this notification.
[@]"(c) son/daughter including widowed/divorced daughter till he/she attained the age of 25 years or upto the date of his/her marriage/re-marriage, whichever is earlier."
[%]"(d) parents who were wholly dependant upon the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child."
- [@] The existing clause (c) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.
 "(c) son and unmarried daughter who has not attained the age of twenty five years including such son and daughter adopted legally. It will also include posthumous child of a Government servant."
- [%] Inserted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.
2. The existing clause (b), (c) and (d) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 8.8.2000. These rules shall be deemed to have come into force with immediate effect. It shall also be applicable to the cases pertaining to the period before issue of this notification but with immediate effect. The past cases decided otherwise need not be re-opened but hence forth they will be regulated in accordance with the provisions amended by this notification.
^{\$}"(b) unmarried son till he attains the age of twenty five years;
 (c) daughter including widowed/divorced daughter till she attains the age of 25 years or upto the date of her marriage / re-marriage, whichever is earlier."
[#]"(d) parents who were wholly dependent upon the Government servant when he/she was alive provided the deceased employee has left behind neither a widow nor a child."
- ^{\$} The existing clause (b) and (c) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10. 1996.
 "(b) son, until he attains the age of twenty five years;
 (c) unmarried daughter, until she attains the age of twenty five years or marriage, whichever is earlier:"
- [#] Inserted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.

- (i) If there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible;
- (ii) 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 so as to prevent him or her from earning livelihood evidenced by a certificate obtained from a medical officer not below the rank of Chief Medical & Health Officer/Medical Jurist setting out, as far as possible, the exact mental or physical incapacity; and
- (iii) the person receiving the family pension as natural/legal guardian of such son or daughter or such son or daughter not receiving the family pension through the guardian, shall produce every three years a certificate from a medical officer not below the rank of Chief Medical & Health Officer/Medical Jurist to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

EXPLANATIONS :

¹"(1) A son/daughter shall become ineligible for family pension from the date he/she gets married or on earning a monthly income exceeding Rs.2550/- per month. He/she will be required to produce six monthly a certificate regarding marital status and an annual certificate regarding monthly income."

(2) In such a case, it shall be the duty of the natural/legal guardian or daughter, to furnish a certificate to the Treasury or Bank, as the case may be, every year that she has not yet married.

(3) Family pension to an eligible Government servant/pensioner is payable in addition to his/her pay or pension, in cases where both husband and wife are Government servants.

68. Order of Allotment

- (a) (i) Where the family pension is payable to more widows than one, the family pension shall be paid 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 not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.
- (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 family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.

1. The existing explanation (1) again substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 8.8.2000. These rules shall be deemed to have come into force with immediate effect. It shall also be applicable to the cases pertaining to the period before issue of this notification but with immediate effect. The past cases decided otherwise need not be re-opened but hence forth they will be regulated in accordance with the provisions amended by this notification.

[@]"(1) A son/daughter shall become ineligible for family pension from the date he/she gets married."

@ The existing explanation (1) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.
 "(1) A daughter shall become ineligible for family pension from the date she gets married."

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares or if there is only one widow or child, in full, to such widow or child.

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

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares or if there is only one widow or child, in full, to such widow or child.

- (d) Where the family pension is payable to twin children it shall be paid to such children in equal shares:

Provided that when one such child ceases to be eligible his/her share shall revert to the other child and when both of them ceases to be eligible the family pension shall be payable to the next eligible single child/twin children.

- ¹(e) Where the family pension is payable to parent it shall be paid first to the mother and after her death it shall be payable to the father.”

GOVERNMENT OF RAJASTHAN'S DECISION

Second wife not entitled to the family pension as a legally wedded wife under the Hindu Marriage Act.

It is clarified that the second wife will not be entitled to family pension as legally wedded wife. The issue was examined by the Govt. of India and similar decision has been incorporated in C.C.S. (Pension) Rule 1972 and an extract of the opinion of Law Ministry recorded therein is reproduced below: -

EXTRACT

It is specifically a question arising under the Hindu Marriage Act, 1955. Under Rule 54(7) of the C.C.S. (Pension) Rules, 1972, in case a deceased Government servant leaves behind more than one widow or a widow and eligible offspring from another widow, they are entitled to family pension in respect of that deceased Government servant. Section 11 of the Act provides that any marriage solemnized after the commencement of the Act shall be null and void and can be annulled against the other party by a decree of nullity if the same contravenes any of the conditions specified in clause (i), (iv) and (v) of Section 5 of the Act. Section 5 (1) stipulates that the marriage cannot be legally solemnized when either party has a spouse living at the time of such marriage. Therefore, any second marriage by a Hindu male after the commencement of 1955 Act during the lifetime of his first wife will be a nullity and have no legal effect. Such marriage cannot be valid on the ground of any custom. In fact, a custom opposed to an expressed provision of law is of no legal effect. So under these circumstances, the second wife will not be entitled to the family pension as a legally wedded wife.”

1. Inserted vide FD Notification No.F.15(3)FD(Rules)/97 dated 8.8.2000. These rules shall be deemed to have come into force with immediate effect. It shall also be applicable to the cases pertaining to the period before issue of this notification but with immediate effect. The past cases decided otherwise need not be re-opened but hence forth they will be regulated in accordance with the provisions amended by this notification.

69. Family pension not payable to more than one member at the same time

(i) Except as provided in rule 68, 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) Family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension:

70. Family pension to be given to the eldest eligible child

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 (b) or clause (c) of rule 67, as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

71. Payment of family pension to the guardian on behalf of minor

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

1"72. Regulation of pension in case both wife and husband are Government servants

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

- (a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in rule 62(ii) the amount of both the pensions shall be limited to **twelve thousand four hundred and twenty five rupees** per mensem;
- (ii) if one of the family pensions ceases to be payable at the rate mentioned in rule 62(ii) and in lieu thereof the pension at the rate mentioned in rule 62(i) becomes payable, the amount of both the pensions shall also be limited to **twelve thousand four hundred and twenty five rupees** per mensem;
- (b) if both the family pensions are payable at the rates mentioned in rule 62(i) the amount of two pensions shall be limited to **seven thousand four hundred and fifty five rupees** per mensem."

1. The existing Rule 72 substituted vide FD Notification No.F.15(8)FD(Rules)/97 dated 10.10.2005 w.e.f. 1.10.1996. In accordance with the aforesaid provisions the family pension shall be determined on notional basis during the period from 1.9.1996 to 31.12.1996 and no arrear of family pension shall be payable and actual payment shall be made w.e.f. 1.1.1997. During the period from 1.9.1996 to 30.9.1996, the corresponding provisions of family pension as contained in Rajasthan Service Rules shall also stand modified.

"72. Regulation of pension in case both wife and husband are Government Servants

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

- (a) (i) *if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in rule 62 (ii) the amount of both the pensions shall be limited to two thousand five hundred rupees per mensem;*
- (ii) *if one of the family pensions ceases to be payable at the rate mentioned in rule 62 (ii) and in lieu thereof the pension at the rate mentioned in rule 62 (i) becomes payable, the amount of both the pensions shall also be limited to two thousand five hundred rupees per mensem;*
- (b) *if both the family pensions are payable at the rates mentioned in rule 62 (i) the amount of two pensions shall be limited to one thousand two hundred and fifty rupees per mensem."*

73. Suspension of family pension if the recipient is charged with the offence of murdering the Government servant, etc.

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

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

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

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

(c) The provisions of clause (a) and clause (b) shall also apply to the family pension becoming payable on the death of a Government servant after his retirement.

74. Communication of Details of family by the Govt. servant

(a) (i) As soon as a Government servant enters Government service, he shall give details of his family in Form 3 to the Head of Office.

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

(b) The Government servant shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his female child.

(c) As and when the disability referred to in proviso to Rule 67 manifests itself in a child which makes him/her unable to earn his/her living, the fact should be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Officer, not below the rank of a Civil Surgeon. This may be indicated in Form 3 by the Head of Office. As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh medical certificate from a Medical Officer, not below the rank of Civil Surgeon, that the child still suffers from the disability.

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

(ii) The Head of Office on receipt of communication from the Government servant regarding any change in the size of family shall have such a change incorporated in Form 3.

75. Ex-gratia grant to the family of a Government servant who dies while on duty in certain circumstances

(1) Subject to the provisions of this Chapter except as otherwise provided, an 'ex-gratia grant' shall be admissible under sub rule (2) to the family of a Government servant who dies while on duty in one of the following circumstances :

- (a) outside his normal headquarter,
- (b) in an accident,
- (c) due to injury intentionally inflicted or caused in consequence of the due performance of his official duties,
- (d) due to injury intentionally inflicted or caused in consequence of his official position, and
- (e) by violence attributable to causes relative to his service,
- (f) while on duty, at own headquarter or outside headquarter, in connection with special assignments like "Election duty", "Census work" and/or such other assignments which do not fall within normal duties of the post held.

1"(2) (a) The amount of ex-gratia grant, when the Government servant dies under the circumstance mentioned in clause (a) of sub rule (1) shall be as follows: -

	Emoluments of Government servant	Amount of ex-gratia grant
(i)	Upto Rs.4500/-	Rs.12,500/-
(ii)	Above Rs.4500/- but below Rs. 9000/-	Rs.20,000/-
(iii)	Rs. 9000/- and above	Rs.25,000/-

(b) The amount of ex-gratia grant, when the Government servant dies under any of the circumstances mentioned in clause (b) to (f) of sub rule (1) shall be as follows: -

	Emoluments of Government servant	Amount of ex-gratia grant
(i)	Upto Rs.4500/-	Rs.60,000/-
(ii)	Above Rs.4500/- but below Rs. 9000/-	Rs.90,000/-
(iii)	Rs. 9000/- and above	Rs.1,25,000/-

Provided that the amount of ex-gratia grant when the Government servant dies while on duty, at own headquarter or outside headquarter in connection with Election duty would be Rs.1,25,000/- irrespective of the emoluments of the Government servant."

1. The existing sub-rule (2) substituted vide FD Notification No.F.15(7)FD(Rules)/98 dated 3.6.1998 w.e.f. 1.1.1997.
 "(2) (a) The amount of ex-gratia grant, when the Government servant dies under the circumstance mentioned in clause (a) of sub rule (1) shall be as follows :-

	Emoluments of Government servant	Amount of ex-gratia grant
i)	upto Rs.1680	Rs. 10,000
ii)	above Rs.1680 but below Rs.3050	Rs. 15,000
iii)	Rs. 3050 and above	Rs. 20,000

(b) The amount of ex-gratia grant, when the Government servant dies under any of the circumstances mentioned in clause (b) to (f) of sub rule (1) shall be as follows :-

	Emoluments of Government servant	Amount of ex-gratia grant
i)	upto Rs.1680	Rs. 50,000
ii)	above Rs.1680 but below Rs.3050	Rs. 75,000
iii)	Rs. 3050 and above;	Rs. 1,00,000

Provided that the amount of ex-gratia grant when the Government servant dies while on duty, at own headquarter or outside headquarter in connection with Election duty would be Rs. 1,00,000 irrespective of the emoluments of the Government servant."

(3) The amount of ex-gratia grant under sub rule (2) shall be granted by the Head of Department to the member of the family who has been granted family pension under these rules after satisfying the following conditions :

- (i) It is clearly established on record and certified in the sanction that the death of the Government servant has taken place while on duty and this fact is not subject to any dispute.
- (ii) In the case of death in accident while on duty, the death has either taken place on the spot of the accident or during the course of treatment of injuries caused in such an accident prior to being declared fit by the authorised medical attendant for resumption of duty.

Note: Accident means sudden and unavoidable mishap or a mishap due to an act of devotion to duty.

- (iii) In the case of death of a Government servant on duty by violence attributable to service, means death as a result of encounter with criminals or in the course of confrontation with mob or crowds of an unlawful assembly during agitation, riot or civil commotion or communal disturbances etc.
- (iv) The death of a Government servant in other than the circumstances mentioned in sub rule (1) shall not be treated as death on duty for this purpose.

(4) An application for ex-gratia grant under this rule shall be made by the member of his/her family who is entitled for grant of family pension in Form 17 within a period of one year from the date of death failing which the same shall not be entertained by the Head of the Department.

¹(5) Notwithstanding anything contained in sub-rule (3) and subject to the provisions of sub-rule (4), in the case of death of a Government servant, while on "election duty", the Collector of the District shall also be competent to grant ex-gratia."

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. The provisions of this rule relating to special assignment of "Election duty" shall also be applicable to the employees of the Central Government, Undertakings of Centre or State, Statutory Corporations, Local Bodies, Autonomous Bodies, Cooperative Societies, R.B.I., Nationalised Banks etc. and Home Guard personnel who die while on election duty, at own headquarter or outside headquarter and would be granted an ex-gratia of ²"Rs.1,25,000". The amount of ex-gratia grant shall be granted by the Collector of the concerned district to the member of the family of the deceased who is entitled to receive the Death Gratuity as per relevant rules, on receipt of application in the prescribed form 17.

2. Family of a Volunteer Home Guard who dies while on duty in the circumstances mentioned in clauses (b) to (e) of sub rule (1) shall be granted ex-gratia of ²"Rs.60,000" only subject to fulfillment of the conditions mentioned in sub rule (3). The amount of ex-gratia shall be granted by the Director General, Home Guard & Civil Defence to the widow/minor children of the deceased on receipt of application in the prescribed form.

³3. A Non-Government person, part time employee or contractual employee who is requisitioned for Election Duty by the District Election Officer or his authorised officer and who dies while on election duty, his family shall be granted an ex-gratia of Rs 60,000/- only subject to fulfillment of the conditions mentioned in Sub-Rule (3) of Rule 75. The amount of ex-gratia shall be granted by the District Election Officer to the widow/ minor children of the deceased on receipt of application in the prescribed form."

1. Inserted vide FD Notification No.F.15(7)FD(Rules)/98 dated 19.05.2007.

2. The existing words & figures "Rs.1,00,000" and "Rs.50,000" substituted vide FD Notification No.F.15(7)FD(Rules)/98 dated 3.6.1998 w.e.f. 1.1.1997.

3. Inserted vide FD Order No.F.15(7)FD(Rules)/98 dated 14.6.2006.

76. Ex-gratia grant to the family of a Police/Civil Defence & Home Guard personnel who die due to injury intentionally inflicted while on duty by a terrorist

(1) Subject to the provisions of this Chapter, except as otherwise provided, an 'ex-gratia grant' of "Rs.1,25,000" shall be admissible to the family of Police/Civil Defence & Home Guard personnel of any rank who dies due to injury intentionally inflicted while on duty by a 'terrorist'. The expression 'terrorist' shall have meaning as defined in Section 2(1)(h) of the Terrorist and Disruptive Activities (Prevention) Act, 1987. The ex-gratia grant shall be admissible in addition to other death-cum-retirement benefits available under these rules. However, in a case where ex-gratia is granted under this rule, no ex-gratia shall be admissible under Rule 75.

(2) For the purpose of this rule, injury intentionally inflicted in consequence of official position of the Police/Civil Defence & Home Guard personnel shall be treated as injury intentionally inflicted while on duty.

(3) The amount of ex-gratia grant under sub rule (1) shall be granted by the Secretary to the Government of Rajasthan, Home Department to the member of the family who has been granted Family Pension under these rules, after satisfying the following conditions :-

- (i) It is clearly established on record and certified in the sanction that the death of this Police/Civil Defence & Home Guard Personnel has taken place due to injury intentionally inflicted while on duty and this fact is not subject to any dispute.
- (ii) No ex-gratia has been granted under Rule 75.

(4) An application for ex-gratia grant shall be made by the member of his/her family who is entitled for grant of family pension in the prescribed form 17 within a period of one year from the date of death to the Director General of Police/the Director, Civil Defence & Commandant General, Home Guard, as the case may be, failing which the same shall not be entertained.

(5) The provisions of this rule shall also be applicable subject to the conditions laid therein to Forestry Personnel, who dies while on duty in attack by the poachers, and shall be sanctioned by the Secretary to Government, Forest Department, on application made to the Principal Chief Conservator of Forest.

GOVERNMENT OF RAJASTHAN' DECISION

The provisions of this rule shall also be applicable to a Volunteer of Civil Defence & Home Guard subject to the conditions laid down in Rule 76, who dies due to injury intentionally inflicted while on duty by a terrorist and the family of such a volunteer shall be granted ex-gratia. The amount of ex-gratia grant shall be drawn by the Director, Civil Defence and Commandant General Home Guards.

D - DEARNESS RELIEF ON PENSION/FAMILY PENSION

77. Dearness Relief on Pension/Family Pension

(i) Relief against price rise may be granted to the pensioners and family pensioners in the form of Dearness Relief at such rates and subject to such conditions as the Government may specify from time to time.

(See Appendix III)

1. The existing words & figures "Rs.1,00,000" substituted vide FD Notification No.F.15(7)FD(Rules)/98 dated 3.6.1998 w.e.f. 1.1.1997.

(ii) The payment of Dearness Relief will remain suspended when the pensioner (including family pensioner) is employed/ re-employed in a Central/State Government Department or employed/re-employed/permanently absorbed in a Central or a State Government Company, Corporation, Undertaking or autonomous body/statutory body, local body, cooperative society, institution etc. if it is wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or receiving Grant-in-Aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in a Public Sector Bank or in GIC/LIC etc.

(iii) Dearness Relief on family pension shall remain suspended during the period of re-employment or employment of the pensioner, either before grant of pension or after grant of pension.

(iv) The State Government employees who get permanently absorbed in terms of rule 33 and opt for lump sum payment in lieu of pro rata monthly pension in terms of rule 34, shall not be eligible for dearness relief.

(v) In the case of pensioners who are in receipt of more than one pension, (including family pension) the Dearness Relief will be calculated on the total of all pensions taken together.

Operative portion of judgement pronounced on 8.12.94 in Civil Appeal No.3542-46/90 by Supreme Court of India in Union of India & Others versus G.Vasudavan Pillai & Others is reproduced below :-

"Denial of Dearness Relief on pension/family pension in cases of those ex-servicemen who got re-employment or whose dependents got employment is legal and just. The decision to reduce enhanced pension from pay of those ex-servicemen who were holding civil post on 1.1.1986 following their re-employment is unconstitutional."

GOVERNMENT OF RAJASTHAN' DECISION

¹"1. In accordance with the provisions of Rule 77 and GRD No.1 appearing below Rule 164 of Rajasthan Civil Services (Pension) Rules, 1996 and order No.F.1(36)FD(Gr.2)/87 dated 10.8.1998 in force prior to the date of introduction of aforesaid rules, the payment of Dearness Relief on pension/family pension remains suspended during the period of re-employment/employment and hence it is not payable.

It has been brought to the notice of the Government that some of the military pensioners are drawing Dearness Relief on pension during the period of re-employment / employment in contravention of the provisions of the aforesaid rules.

Accordingly all appointing authorities/drawing and disbursing officers are directed to ask the re-employed military pensioner to furnish a certificate of non-drawal of Dearness Relief on pension from the pension payment authorities of military/pension paying branch of the respective Banks. In case some of the military pensioner have actually drawn Dearness Relief on pension, they may be asked to refund the over payment drawn and to furnish a certificate of non-drawal of Dearness Relief on pension since appointment in the Government service.

All Drawing and Disbursing Officers shall be required to record a certificate in the salary bill of re-employed military personnel that the certificate of non drawal of Dearness Relief on pension have been obtained from the Pension Payment Officer/Paying Branch of the Bank. This certificate shall invariably be recorded by them in the salary bill for the month of January and June every year. It will be the duty of the respective Treasury Officer to ensure that the requisite certificate has been recorded by the concerned Drawing and Disbursing Officer in the salary bill before they are passed for payment."

1. Inserted vide FD Memorandum No.F.15(4)FD(Rules)/98 dated 28.12.1998.

¹"2. It has been decided by the Government that w.e.f. 01.07.2004, DA equal to 50% of the existing basic pay shall be merged with the basic pay and shown distinctly as Dearness Pay, which will be counted for HRA, CCA, retirement benefits. However, TA/ DA on tour/ transfer and Government accommodation shall continue to be governed on the basis of basic pay alone. Compulsory deductions for GPF and State Insurance shall also be made on the basic pay alone.

DA on Dearness Pay will be paid only in respect of DA instalments that become due on 01.07.2004 and afterwards. The existing amount of DA over and above 50% i.e. 11% will be calculated only on the basis of basic pay and shall not be calculated on the basis of Basic Pay + Dearness Pay. Further increases in DA (beyond 61%) will be calculated on the basis of Basic Pay + Dearness Pay. For example, if 63% DA is payable from 01.07.2004, 50% will be converted to dearness way, 11% will be calculated on the basis of Basic Pay alone and 2% will be calculated on the basis of Basic Pay + Dearness Pay. Similarly, if 65% DA is payable on 01.01.2005, 50% will be converted to dearness pay, 11% will be calculated on the basis of Basic Pay alone and 4% will be calculated on the basis of Basic Pay + Dearness Pay. And so on.

Similarly, in case of existing pensioners, 50% dearness relief will be converted to dearness pension. The amount of existing dearness relief over and above 50%, will be calculated only against basic pension and shall not be calculated against basic pension + dearness pension. Any increase in the existing dearness relief beyond 61% shall be calculated against basic pension + dearness pension, on the lines indicated at para 2."

E- INTERIM RELIEF ON PENSION/FAMILY PENSION

77A. Interim Relief on pension/family pension

Interim Relief on pension/family pension shall be admissible at the rate and subject to the terms & conditions in Appendix XII.

1. Inserted vide FD Memorandum No.F.6(3)FD(Rules)/2004 dated 24.05.2004.

CHAPTER VI

DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

A - PENSION AND GRATUITY

78. Preparation of list of Government servants due for retirement

(1) Every Head of Department shall have a list prepared every six months, that is, on the 1st January, and the 1st July each year of all Government servants who are due to retire within the next 24 to 30 months of that date.

(2) A copy of every such list shall be supplied to the Director, Pension Department, Rajasthan, not later than 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 Office shall promptly inform the Director, Pension Department, Rajasthan, as soon as the fact of such retirement becomes known to him.

(4) A copy of the intimation sent by the Head of Office to the Director, Pension Department, Rajasthan, under sub rule (3) shall also be endorsed to the Director Estates, Jaipur and concerned Executive Engineer, Public Works Department if the Government servant concerned is an allottee of Government accommodation.

NOTE

The pension work has since been taken over (November, 1979) by the State Government from the Accountant General, Rajasthan, and is now being dealt with by the Director, Pension Department, Rajasthan, Jaipur.

GOVERNMENT OF RAJASTHAN'S DECISION

1. According to Rule 56A of Rajasthan Service Rules, a Government Servant is compulsorily retired, on attaining the specified age, the day on which he attains that age is reckoned as a non-working day under rule 7(1) of Rajasthan Service Rules. No specific orders are necessary for retirement on due date under Government of Rajasthan's Decision below rule 30 of R.C.S. (Pension) Rules, 1996.

2. Administratively, it would, however, be advisable to issue retirement orders one year in advance of the date of retirement, which will enable the department to process the pension case expeditiously. A copy of such an order shall be endorsed to the Director, Pension Department, Rajasthan, as also attached with the Pension case. While issuing such an order, the appointing authority should indicate whether any Departmental Enquiry under Rule 16 of R.C.S. (C.C.A.) Rules is pending against the Government servant concerned. The retirement order shall be issued in Form No.6. Separate order shall be issued in respect of every retiring employee.

3. If any departmental proceedings are initiated against the Government servant after issue of the retirement order, the Director, Pension Department, Rajasthan, should be informed promptly.

4. As per Government of Rajasthan's Decision No.7 below rule 7, minor penalty proceedings have no effect on pension.

79. Intimation to the Directorate of Estates/Public Works Department regarding issue of "No Demand Certificate"

(1) The Head of Office shall alongwith applications from the individuals concerned, on prescribed Form 27, write to the Director of Estates, Jaipur, at least two years before the anticipated date of retirement of the Government servant who is in occupation of a Government accommodation, (hereinafter referred to as allottee) for the issue of a "No Demand Certificate" in respect of the period preceding eight months of the retirement of the allottee with a copy to the Executive Engineer of the concerned Division.

(2) On receipt of the intimation under sub rule (1), the Director Estates/Executive Engineer, Public Works Department, shall take further action as provided in Rule 93.

(3) Government servants due for retirement and included in the list prepared under Rule 78, who are not in occupation of any Government accommodation or have not taken any furniture article from PWD stores on rent, shall declare accordingly in Form 27A.

(4) Copy of Form 27 or Form 27A, as the case may be, will be attached with Form 7 - form for assessing pension and gratuity.

80. Preparation of Pension papers

Every Head of Office shall undertake the work of preparation of 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.

GOVERNMENT OF RAJASTHAN'S DECISION

¹"1. राजस्थान सिविल सेवा (पेंशन) नियम, 1996 के प्रावधानों के अन्तर्गत पेंशन स्वीकृति संबंधित प्रशासनिक विभाग/विभागाध्यक्ष/कार्यालयाध्यक्ष द्वारा संबंधित कर्मचारी/अधिकारी का समस्त सेवा रेकार्ड इत्यादि की जांच कर जारी करनी होती है। इसी आधार पर पेंशन विभाग द्वारा पेंशन परिलाभों की अधिकृतियां जारी की जाती हैं। कर्मचारी के सेवाकाल का सम्पूर्ण रेकार्ड संबंधित कार्यालय में ही उपलब्ध होने के कारण न्यायिक प्रकरणों में भी न्यायालय के निर्णय प्राप्त होने पर प्रकरणों की नियमों के परिपेक्ष्य में जांच की जाकर अपील अथवा निर्णय की अनुपालना हेतु आवश्यक कार्यवाही संबंधित विभाग द्वारा ही की जानी होती है।

प्रायः देखा गया है कि संबंधित विभाग द्वारा पेंशन की देयता आदि का निर्धारण समय पर नहीं करते हैं एवं सेवानिवृत्त कर्मचारियों को पेंशन परिलाभ सेवानिवृत्ति के पश्चात् लम्बे समय तक अधिकृत नहीं हो पाते हैं। इसी क्रम में यह उल्लेख करना भी समीचीन होगा कि पेंशन नियमों के अन्तर्गत पेंशन प्रकरणों के निस्तारण की प्रक्रिया सेवानिवृत्ति से दो वर्ष पूर्व प्रारम्भ किये जाने का प्रावधान है, परन्तु विभागों द्वारा इन निर्देशों की पालना नहीं की जाती है एवं समय पर कार्यवाही सम्पूर्ण नहीं होने के फलस्वरूप सेवानिवृत्त कर्मचारी/अधिकारी को सेवानिवृत्ति दिनांक पर पेंशन लाभ की अधिकृतियां जारी नहीं हो पाती हैं। फलस्वरूप न्यायालय में वाद दायर हो रहे हैं। न्यायालय के निर्णयों की जांच कर कार्यवाही उचित समय पर नहीं होने से संबंधित विभागों के साथ पेंशन विभाग को भी न्यायिक प्रकरणों में एवं अवमानना प्रकरणों में पक्षकार बनाना पड़ता है।

1. Inserted vide FD Circular No.F.15(4)FD(Rules)/2000 dated 17.7.2000

अतः पेंशन प्रकरणों के निस्तारण हेतु निर्धारित की गई प्रक्रिया लागू किया जाना सुनिश्चित कराया जावे ताकि ब्याज के भुगतान एवं अनावश्यक वादकरण से बचा जा सके। विलम्ब से निर्धारित पेंशन प्रकरणों की समीक्षा कर दोषी कर्मचारियों/अधिकारियों के खिलाफ अनुशासनात्मक कार्यवाही की जावे ताकि सेवानिवृत्त कर्मियों के पेंशन परिलाभ समय पर अधिकृत करना सुनिश्चित किया जा सके।”

¹2. अनेक मामलों में कार्यालयाध्यक्ष/विभागाध्यक्ष/पेंशन विभाग/पेंशन वितरण अधिकारियों के स्तर पर विलम्ब होने के कारण सेवानिवृत्त कर्मचारियों को सेवानिवृत्ति लाभों का भुगतान सेवानिवृत्ति के तुरन्त बाद नहीं हो पाता है। राजस्थान सिविल सेवा (पेंशन) नियम, 1996 के अनुसार प्रत्येक पेंशन प्रकरण राज्य कर्मचारी की अधिवार्षिकीय आयु पूर्ण करने की तिथि से दो वर्ष पूर्व प्रारम्भ कर सेवानिवृत्ति के पूर्व ही पेंशन एवं उपादान स्वीकृत करने के प्रावधान हैं।

माननीय राजस्थान उच्च न्यायालय, जयपुर पीठ, जयपुर द्वारा डी.बी. सिविल स्पेशल अपील (याचिका) संख्या : 271/1999 – श्री सुरेन्द्र मोहन सक्सेना बनाम राजस्थान राज्य व अन्य में निर्देश दिये हैं कि सेवानिवृत्ति के तुरन्त बाद सेवानिवृत्ति लाभों के भुगतान की व्यवस्था सुनिश्चित की जावे ताकि दण्डनीय ब्याज एवं अनावश्यक वादकरण (Litigation) से बचा जा सके।

अतः सभी संबंधित अधिकारी यह सुनिश्चित करें कि प्रत्येक राज्य कर्मचारी की अधिवार्षिकीय आयु पर सेवानिवृत्ति से दो वर्ष पूर्व राजस्थान सिविल सेवा (पेंशन) नियम, 1996 के अनुसार कार्यालयाध्यक्ष/विभागाध्यक्ष स्तर पर कार्यवाही प्रारम्भ की जावे। अन्य मामलों में सेवानिवृत्ति आदेश जारी होने/सेवा के दौरान मृत्यु होने की सूचना मिलने पर अविलम्ब कार्यवाही प्रारम्भ की जावे, ताकि अधिवार्षिकीय आयु पर सेवानिवृत्ति के मामलों में सेवानिवृत्ति के तुरन्त बाद व अन्य मामलों में 60 दिवस के भीतर नियमानुसार देय सेवानिवृत्ति लाभ जैसे, उपादान/प्रोविजनल उपदान/पेंशन रूपान्तरण राशि का भुगतान हो सके तथा मासिक पेंशन/ प्रोविजनल पेंशन/पारिवारिक पेंशन का भुगतान प्रारम्भ हो सके।”

81. Stages for the completion of pension papers

(1) The Head of Office shall divide the period of preparatory work of two years referred to in Rule 80 in the following three stages :-

(a) First Stage - I. Verification of service:

- (i) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.
- (ii) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record necessary certificates in the service book.
- (iii) If the service for any period is not capable of being verified in the manner specified in sub clause (i) and sub clause (ii), 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 Office in which the Government servant is shown to have served during that period for the purpose of verification.

1. Inserted vide FD Circular No.F.9(4)FD(Rules)/2000 dated 8.8.2000

- (iv) In respect of that unverified portion of service for which entries regulating the rate of pay, grant of annual increment, pay fixation, details of periods of leave etc. are available, he shall verify the same on the basis of the above details and record the same in the Service Book.
- (v) In respect of work charged employees appointed to regular posts, he shall check that the option for pension given by him and accepted by the competent authority has been pasted in the Service Book and that the entries exist in the service books for deposit of employer's share of Contributory Provident Fund into the Government Account.
- (vi) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub clause (i) or sub clause (ii) or sub clause (iii), or sub clause(iv), the Government servant shall be asked to file a written statement in Form 9 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.
- (vii) The Head of Office 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 that portion of service as having been rendered for the purpose of calculating the pension of that Government servant, and issue order in Form 9A and make an entry in the service book of the Government servant.

Note:-

In case of loss of service book, attention is invited to Rule 160 of Rajasthan Service Rules and action be taken accordingly.

II. Assessment of long term dues:

- (viii) In respect of Government servants, who have taken long term advances like House Building Advance, Conveyance Advance etc., he shall correspond with the concerned Treasury Officer as indicated in the procedure below rule 94. He will also refer to the entries of long term advances made in the service book of the Government servants for assessing the final dues. He will also ask the Government servant to declare the details of long term advances taken by him.

III. Finalisation of pending fixation cases:

- (ix) If fixation of pay in various Pay Scale Rules is outstanding, the Head of Office will get them expeditiously finalised.
- (b) Second Stage - Making good omission in the service book and completion of other formalities.
- (i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.

- (ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub clause (i) of this clause. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book, which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.
 - (iii) Determination of emoluments - For the purpose of calculation of emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn by the Government servant immediately before his retirement.
 - (iv) In case of officiating appointment, the Head of Office will record a certificate in the Service Book that the appointment to the higher post has not been made in the leave vacancy or to hold charge temporarily in addition to the duties of his own post, as provided in Rule 45 (Note 3) of R.C.S. (Pension) Rules, 1996.
 - (v) The Head Of Office will obtain a certificate in the Service Book from the senior accounts personnel in the office that all the fixations of the Government servant made from time to time are correct and that the last pay on which pension case is to be prepared has been arrived at correctly.
 - (vi) To ensure that any alteration in the date of birth recorded in the Service Book bears the approval of the competent authority; and to ensure that the date of birth has not been changed/altered in the Service Book after 31.12.1978;
 - (vii) If the Government servant was on foreign service or deputation, whether pension contribution has been received from the borrowing authority and entry to this effect has been made in the Service Book or other records. The Head of Office shall identify omissions etc. and rectify the same after reference to relevant records or offices. Provisions contained in Government of Rajasthan's Decision below Rule 88 of RCS (Pension) Rules, 1996, shall also be taken into consideration for this purpose.
- (c) Third Stage - Obtaining Form 5 by the Head of Office - Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant.

(2) Action under clauses (a), (b) and (c) of sub rule (1) shall be completed eight months prior to the date of retirement of the Government servant.

82. Completion of pension papers

The Head of Office shall complete Part I of Form 7 not later than six months of the date of retirement of the Government servant. He will also issue a tentative L.P.C. in Form 31 for attaching with Form 7.

83. Forwarding of pension papers to Director, Pension Department

(1) After complying with the requirement of Rules 81 and 82, the Head of Office shall forward to the Director, Pension Department, Rajasthan, Form 5 and Form 7 duly completed with a covering letter in Form 8 alongwith service book of the Government servant duly completed, upto-date, and any other document relied upon for the verification of service.

(2) The Head of Office shall retain a copy of each of the Forms referred to in sub rule (1) for his records.

(3) Where the payment is desired in another circle of accounting unit, the Head of Office shall send Form 7 in duplicate to the Director, Pension Department, Rajasthan.

(4) The papers referred to in sub rule (1) shall be forwarded to the Director, Pension Department, Rajasthan, not later than six months before the date of retirement of Government servant.

(5) A copy of the Privilege Leave account shall be retained in the office, duly attested, for grant of encashment benefits, if applied for by the retiring government servant, at the time of retirement.

84. Intimation to the Director, Pension Department, regarding any event having bearing on pension

(1) If after the pension papers have been forwarded to the Director, Pension Department, Rajasthan, within the period specified in sub rule (4) of Rule 83, any event occurs which has a bearing on the amount of pension admissible, or on the data contained in tentative Last Pay Certificate, the fact shall be promptly reported to the Director, Pension Department, Rajasthan, by the Head of Office.

(2) If no intimation regarding any event from the date of forwarding pension papers to the Director, Pension Department to the date of actual retirement, having a bearing on the amount of pension, is received by the Director, Pension Department, Rajasthan, he may presume that -

- (i) the service in between the period from the date of forwarding of pension papers to the actual date of retirement, has been rendered, verified and accepted as qualifying service counting for pension;
- (ii) the dues of the Government recoverable from the retiring Government servant already intimated to him under rule 85 and/or shown in tentative L.P.C. are final; and
- (iii) no departmental enquiry has been initiated against the employee, after forwarding of the pension papers to his Department.

Note:- The Head of Office while intimating Director Pension regarding any event having a bearing on the amount of pension, in case Pension Payment Order/ Gratuity Payment Order has already been issued, shall ensure delivery of the same to the concerned pension disbursing authority also.

(3) On receipt of any intimation by the Director, Pension Department, under rule 84(1), the Director, Pension Department, Rajasthan, shall -

- (i) if the Pension Payment Order/Gratuity Payment Order has been issued, stop the payment of the amount authorised and revise/amend the P.P.O./G.P.O.;

- (ii) if the Pension Payment Order/Gratuity Payment Order has not been issued, he will revise the particulars accordingly and take further steps in the light of the revised particulars.

85. Intimation of the particulars of Government dues to the Director Pension Department, Rajasthan

(1) The Head of Office after ascertaining and assessing the Government dues as in Rule 92, shall furnish the particulars thereof to the Director, Pension Department, at least two months before the date of retirement of a Government servant so that the dues are recovered out of the gratuity before its payment is authorised.

(2) If, after the particulars of Government dues have been intimated to the Director, Pension Department under sub rule (1), any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to the Director, Pension Department.

86. Provisional Pension

(1) The various stages of action laid down in Rule 81 shall be strictly followed by the Head of Office. There may be an isolated case where, inspite of following the procedure laid down in Rule 81, it may not be possible for the Head of Office to forward the pension papers referred to in Rule 83 to the Director, Pension Department within the period prescribed in sub rule (4) of that rule or where the pension papers have been forwarded to the Director, Pension Department, within the prescribed period but the Director, Pension Department, Rajasthan, may have returned the pension papers to the Head of Office for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the Head of Office in such a case is of the opinion that the Government servant is likely to retire before his pension and gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, he shall without delay, take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose, he shall -

- (i) rely upon such information as may be available in the official records, and
- (ii) ask the retiring Government servant to file a written statement on plain paper stating the total length of qualifying service including details of emoluments last drawn but excluding the breaks and other non qualifying periods of service.

(2) The Government servant while furnishing the statement as in clause (ii) of sub rule (1) shall, at the foot of the statement make and subscribe to a declaration as to the truth of the statement.

(3) The Head of Office shall thereafter determine the qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring Government servant under sub rule (1). He shall, then determine the amount of provisional pension and the amount of provisional retirement gratuity.

(4) After the amount of pension and gratuity have been determined under sub rule (3), the Head of Office shall take further action as follows :-

- (a) He shall issue a sanction in form 33 addressed to the Director, Pension Department, Rajasthan, authorising -

- (i) 100% (percent) of pension as determined under sub rule (3) as provisional pension which shall remain valid till the pension case is finalised by the Director, Pension Department.
 - (ii) 75 percent of the gratuity as provisional gratuity as determined under sub rule (3) if no amount of House Building Advance has been set apart for recovery out of Retirement/Death gratuity at the time of grant of HBA, otherwise not exceeding 20 percent of the gratuity as provisional gratuity.
- (b) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub rule (1) of Rule 85. Special care shall be taken for recovery of the amount set apart for adjustment from the retirement gratuity.
 - (c) On receipt of sanction of provisional pension from the Head of Office, the Director, Pension Department shall issue provisional Pension Payment Order and Gratuity Payment Order within a week positively.
- (5) The amount of provisional pension and gratuity payable under sub rule (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.
- (6) (a) When the amount of final pension and the amount of final gratuity had been determined by the Head of Office the Director, Pension Department, Rajasthan, shall -
 - (i) issue the Pension Payment Order,
 - (ii) issue the Gratuity Payment Order authorising disbursement of the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub clause (ii) of clause (b) of sub rule (4) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity.
 - (b) If the amount of provisional pension disbursed to a Government servant under sub rule (4) is, on its final assessment found to be in excess of the final pension assessed by the Director, Pension Department, Rajasthan, it shall be open to the Director, Pension Department to adjust the excess amount of pension out of gratuity withheld under sub clause (ii) of clause (a) of sub rule (4) or recover the excess amount of pension in instalments by making short payment of the pension payable in future.
 - (c) If the amount of provisional gratuity granted and disbursed to a Government servant is found to be in excess of final gratuity assessed by the Director, Pension Department, he shall be called upon to refund such excess in the manner and subject to the conditions specified in rule 91.

87. Authorisation of Pension and Gratuity by Director, Pension Department

- (1) (a) On receipt of pension papers referred to in Rule 83, the Director Pension Department, Rajasthan, shall apply the requisite checks, record the account encasement in Part II of Form 7 and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the Government servant if the pension is payable in his circle of accounting unit.

- (b) If the pension is payable in another circle of accounting unit, the Director, Pension Department, Rajasthan, shall send the pension payment order alongwith a copy of Form 7 and the accounts enface-ment to the Accounts Officer of that unit for arranging payment, through the Accountant General, Rajasthan.

"(2) The amount of gratuity as determined by the Director, Pension Department, Rajasthan, shall be authorised by him by issue of a Gratuity Payment Order on the Treasury/Pension Payment Office, after adjusting the Government dues, if any, referred to in Rule 92."

(3) The Director, Pension Department, Rajasthan, shall adjust the amount of provisional pension and the amount of provisional gratuity, if any, paid.

(4) The amount of gratuity withheld under sub rule (5) of Rule 93, shall be adjusted by the Director, Pension Department against the outstanding rent intimated by the Directorate of Estates/Public Works Department and the balance, if any, refunded to the retired Government servant.

(5) A copy of the Pension Payment Order and/or Gratuity Payment Order shall also be endorsed to the concerned pensioner.

(6) The Director, Pension Department, Rajasthan, shall inform the Head of Office immediately about the issue of the -

- (i) Pension Payment Order;
- (ii) Gratuity Payment Order; and
- (iii) Balance of the Gratuity Payment Order; and return the pension papers to him which are no longer necessary.

(7) The Director, Pension Department, Rajasthan, shall record briefly in the Part II of Form 7 his reasons for disallowing any service claimed or any other disallowance.

GOVERNMENT OF RAJASTHAN'S DECISION

1. In the final Pension Payment Order and/or Gratuity Payment Order, the Director, Pension Department shall not impose any conditions before drawal of amount like production of No Dues Certificate, Certificate of no Departmental Enquiry under rule 16 of CCA rules etc. except final LPC.

2. निदेशक पेंशन विभाग द्वारा राज्य सरकार के यह ध्यान में लाया गया है कि यदा कदा संबंधित सेवानिवृत्त कर्मचारी द्वारा पेंशन प्रकरण के निस्तारण में सहयोग नहीं किया जाने से भी विलम्ब होता है।

1. The existing sub-rule (2) again substituted vide FD Notification No.F.15(3)FD(Rules)/97 Pt. I dated 31.7.2001.

“(2) The amount of gratuity as determined by the Director, Pension Department, Rajasthan, shall be payable by him on the date of retirement by issue of a Gratuity Payment Order on the Treasury/Pension Payment Office, after adjusting the Government dues, if any, referred to in Rule 92.”

@ The existing sub-rule (2) substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 23/27.3.1999.

“(2) The amount of gratuity as determined by the Director, Pension Department, Rajasthan, shall be authorised by him by issue of a Gratuity Payment Order on the Treasury/Pension Payment Office, after adjusting the Government dues, if any, referred to in Rule 92.”

पेंशन प्रकरण मूलतः संबंधित विभाग/कार्यालय प्रधान द्वारा ही तैयार करना होता है। समस्त संबंधित रेकार्ड/सूचना विभाग के पास उपलब्ध होती है। संबंधित कर्मचारी से तो केवल वर्णात्मक नामावली एवं परिवार के सदस्यों की सूची अपेक्षित है। संबंधित कर्मचारी द्वारा पेंशन प्रकरण में सहयोग नहीं करने का कारण पेंशन नियमों एवं प्रक्रिया की पूर्णतः जानकारी नहीं होना भी होता है।

पेंशन प्रकरण के निस्तारण में संबंधित कर्मचारी से जो कार्यवाही अपेक्षित है, उसका उल्लेख राज0 सिविल सेवा (पेंशन) नियमों की अनुसूची XI में किया गया है। अतः समस्त नियुक्ति अधिकारी सेवानिवृत्ति आदेश के साथ ही उपरोक्त अनुसूची XI की प्रति संबंधित कर्मचारी को पालना हेतु उपलब्ध करावें। अल्प वेतन भोगी कर्मचारियों के पेंशन/पारिवारिक पेंशन प्रकरण तैयार करवाने हेतु संबंधित विभाग/कार्यालय के पेंशन नियमों के विज्ञ लिपिक को जिम्मेवार बनाया जावे।

अतः प्रत्येक विभागाध्यक्ष/कार्यालयाध्यक्ष से यह अपेक्षा है कि उपरोक्त निर्देशों की पालना कर पेंशन प्रकरणों को तत्परता से निबटाए।”

88. Government servant on foreign service

In the case of a Government servant who retires from service while on foreign service, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the authority which sanctioned deputation to foreign service.

GOVERNMENT OF RAJASTHAN'S DECISION

Where it is the responsibility of the foreign employer/borrowing authority to make payment of pension contribution in accordance with the provisions contained in the Rajasthan Service Rules, it may be that either some of the contributions have not been recovered or partially recovered or records in respect of recovery of such contributions are incomplete. Since the responsibility for making pension contribution is that of borrowing Government or Organisation, as the case may be, the authority concerned should pursue the matter with the borrowing authority separately for appropriate action, but in no case the processing and finalisation of the pension case should be withheld or delayed on this account. In such cases, the entire period of service rendered under Central Government or any other State Government or foreign employer or body should be counted as qualifying service for pension.

1. Inserted vide FD Circular No. F.1(14)FD(Rules)/96 dated 27.12.2001.

1"89. Interest on delayed payment of retiral benefits :

²“(1) If the payment of retiral benefits has been authorised after 60 days from the date when its payment became due, and it is established that the delay in payment was not on account of failure on the part of the Government servant in compliance of the procedure laid down in this chapter or elsewhere in these rules, interest @ 9% per annum from the date retiral benefits become due would be payable till the end of the month preceding the month in which the retiral benefits are authorised.]”

(2) Every case of delayed payment of retiral benefits shall, suo moto, be examined by the Head of Office and shall be forwarded to the Administrative Department through the Head of the Department, and where the Administrative Department is satisfied that the delay in the payment of retiral benefits was caused on account of administrative lapse or inaction, the Administrative Department concerned shall issue sanction for the payment of interest to the Director, Pension Department.

(3) In all cases, where payment of interest has been authorised, the Administrative Department concerned shall fix responsibility and take disciplinary action under the Rajasthan Civil Services (C.C.A.) Rules, 1958 against the Government servant(s) who is/are found responsible for the delay in the payment of retiral benefits and shall recover the loss caused to the Government due to payment of interest to the pensioner from the Government servant(s) held responsible.

(4) In the order for payment of interest, the Administrative Department shall also mention the name(s) of officer(s)/official(s) responsible for delay and the amount of interest recoverable from him/them.

1. The existing rule 89 substituted vide FD Notification No.F.15(3)FD(Rules)/97 Pt-II dated 12.6.2001.

"89. Interest on delayed payment of gratuity

(1) If the payment of gratuity has been authorised after three months from the date when its payment became due, and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the rate of five percent per annum for the period beyond three months after gratuity becomes due would be payable till the end of the month preceding the month in which the payment is actually made.

Provided that the delay in the payment was not caused on account of failure on the part of the Government servant to comply with the procedure laid down in this Chapter or elsewhere in these Rules.

(2) Every case of delayed payment of gratuity shall, suo moto, be considered by the Head of Office and shall be forwarded to the Administrative Department through the Head of the Department, and where the Administrative Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse or inaction, the Administrative Department shall make a recommendation to the Finance Department, for the payment of interest.

(3) If the recommendation of the Administrative Department made under sub rule (2) is accepted by the Finance Department, the Administrative Department concerned shall issue sanction for the payment of interest to the Director, Pension Department.

(4) In all case, where the payment of interest has been authorised, the Administrative Department concerned shall fix responsibility and take disciplinary action against the Government servant or servants concerned who are found responsible for the delay in the payment of gratuity.

(5) If as a result of Government's decision taken subsequent to the retirement of a Government servant, the amount of gratuity already paid on his retirement is enhanced on account of -

(a) grant of emoluments higher than the emoluments on which gratuity, already paid, was determined, or

(b) liberalisation in the provisions of these rules from a date prior, to the date of retirement of the Government servant concerned.

No interest on the arrears of gratuity shall be paid.

NOTES

(i) The payment of gratuity becomes due immediately on retirement and in case of death while in service from the date of application for grant of Death Gratuity.

(ii) In case of Government servants against whom disciplinary/judicial proceedings are pending on the date of retirement, no gratuity is paid until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the competent authority."

2. The existing sub-rule (1) of Rule 89 substituted vide FD Notification No.F.15(3)FD(Rules)/97 Pt-I dated 7.6.2004.

"(1) Except in exceptional circumstances, if the payment of retiral benefits has been authorised after 60 days from the date when its payment became due, and it is clearly established that the delay in payment was not on account of failure on the part of the Government servant to comply with the procedure laid down in this Chapter or elsewhere in these rules, interest @ 12% per annum for the period beyond 60 days after retiral benefits become due would be payable till the end of the month preceding the month in which the retiral benefits are authorised."

(5) If as a result of Government's decision taken subsequent to the retirement of a Government servant, the amount of retiral benefits already paid on his retirement is enhanced on account of -

- (a) grant of emoluments higher than the emoluments on which retiral benefits, already paid, were determined, or
- (b) liberalisation in the provisions of these rules from a date prior, to the date of retirement of the Government servant concerned.

No interest on the arrears of retiral benefits shall be paid.

(6) In case any delay is caused in the Pension Department, responsibility shall be fixed for such delay and suitable action taken against such erring official(s) to recover the interest paid to the pensioner.

NOTES

(i) The payment of retiral benefits becomes due on the date of retirement and in the case of death while in service, from the date of application for payment of respective retiral benefits.

(ii) In case of Government servants against whom disciplinary/judicial proceedings are pending on the date of retirement, no retiral benefits be paid except provisional pension, until the conclusion of the proceedings and the issue of the final orders thereon. The retiral benefits, if allowed to be drawn by the competent authority on the conclusion of the proceedings, will be deemed to have fallen due on the date of issue of orders by the competent authority."

¹"GOVERNMENT OF RAJASTHAN'S DECISION

In the judgement pronounced by the Hon'ble Rajasthan High Court on 12.9.1997 in D.B. Civil Special Appeal (Writ) No.297/1995 and others, it has been ordered that in the eventuality of a delay in the payment of retiral benefits, without sufficient reason, the retiring employees shall be entitled to receive interest thereon @ 12% per annum, for the period commencing from 60 days after the date of such retiral benefits becoming due, upto the date of authorisation of such benefits to the employee by the Director, Pension Department. It has been ordered further that such interest shall be recoverable personally from the concerned Head of Department/other officer held responsible for the delay.

The Rajasthan Civil Services (Pension) Rules, 1996 has already provided for the procedure and the calendar for sanction and authorisation of pension and gratuity to retired employees. Rule 80 of the said rules very clearly provides that every Head of Office shall undertake the work of preparation of 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. The rules further spell out the various stages for completion of the pension papers. These rules also provide that the Head of Office shall forward to the Director, Pension Department, Rajasthan Form 5 and 7 duly completed with a covering letter in Form 8 alongwith Service Book of the Government servant duly completed, upto date, and any other document relied upon for the verification of the service. This must be done by the Head of Office not later than 6 months before the date of retirement of the Government servant. Once this is done in time, it will become duty of the Director, Pension Department to ensure that all formalities are completed and necessary orders issued before the date of superannuation of the employee.

1. Inserted vide FD Circular No.F.15(3)FD(Rules)/97 dated 24.2.2001.

The matter has been considered by the Government in the light of the orders of the Hon'ble High Court mentioned above and, in addition to the procedure already laid down under the Rajasthan Civil Services (Pension) Rules, 1996, the following guidelines are further issued for strict compliance : -

1. Because of the reason that the retirement date is already determined, the Department concerned should take all necessary steps to collect the required papers either from the pensioner or from the office so as to complete all the formalities by the date, the pensioner is to retire.
2. To calculate all the retiral benefits including the pension and to pay the same either on the same day or sanction the same when the pensioner retires or immediately thereafter, but by all means within 60 days of the date of retirement.
3. If the retiral benefits are not sanctioned/ paid even after expiry of 60 days from the date of retirement invariably, unless there are exceptional circumstances to act otherwise, the pensioner shall be entitled to the interest at the rate of 12% p.a. from the due date till actual payment is made.
4. The Competent Authority shall fix the liability for the delay caused in sanctioning the retiral benefits and, if it is found that the delay for sanctioning the retiral benefits has been caused by the Erring Official, the same shall be recovered from that official but so far the pensioner is concerned, he would be paid the retiral benefits alongwith the interest if the same is paid after 60 days of the retirement. Efforts should be made to minimise filling number of cases by the pensioners to avoid the unavoidable litigation.
5. Invariably it is the administrative office who should be held responsible for completing the formalities and if once the formalities have been completed, the Pension Department shall proceed forthwith to complete its own obligations for getting the retiral benefits released. In case any delay is caused in the Pension Department of the State of Rajasthan, responsibility should be fixed for such delay and suitable action be taken against such Erring Officials.
6. Where any "No Dues Certificate" is required, it shall be the responsibility of the concerned authority in the office after verifying the record to issue such "No Dues Certificate" to the official concerned for the reason that all the service record including the details of any advance payment on any count whatsoever and the last pay drawn particulars are already with the Department.
7. Where retirement had been sought by issuing a notice for voluntary retirement, in that situation all efforts be made to complete the papers during the notice period before the employee is relieved or in any case within 60 days of the date of voluntary retirement and in case the retirement is sought without any notice, the formalities of calculating the retiral benefits would be completed within the same period i.e. 60 days from the date of retirement and shall ensure the interest at the rate of 12% p.a., if retiral benefits are delayed after 60 days on the date of retirement.

For the above purpose, the following procedure may further be adopted :-

- (a) In terms of the aforesaid judgement, a retiring employee would be entitled to receive simple interest @ 12% per annum for the period of delay in the authorisation of his retiral benefits.

- (b) In case of delay in authorisation of pension and gratuity beyond 60 days from the date of retirement, the Director, Pension shall also authorise payment of interest @ 12% per annum alongwith the other retiral benefits to the employee.
- (c) The Director, Pension shall send copies of authority for payment of interest issued in favour of the pensioner to the office from which the pensioner retired, the appointing authority, and the Administrative Secretary concerned for holding preliminary enquiry to ascertain the officer(s)/ official(s) prima facie responsible for causing the delay. Thereafter, the concerned Officer shall initiate disciplinary action against the deiliquent employee(s) under the CCA Rules and recover the amount of interest paid for the delay on the part of such employee(s) from the concerned employee(s).

Kindly ensure strict compliance of the procedure, instructions and calendar prescribed for the purpose under the Rajasthan Civil Services (Pension) Rules 1996 and also the above guidelines and procedure."

90. 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 7, the Director, Pension Department, Rajasthan, shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of 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 preceding the date on which he was placed under suspension.

Provided that in cases where pension case could not be prepared finally for one or the other reason the appointing authority shall sanction provisional pension in Form 33 after following procedure laid down in sub-rule (3) of Rule 86 and send the case to the Director, Pension for issue of Provisional Pension Payment Order till the Departmental Enquiry is finalised.

(b) The provisional pension shall be authorised by the Director, Pension Department, during the period commencing from the date of retirement upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(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:

Provided that where departmental proceedings have been instituted under Rule 17 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, for imposing any of the penalties specified in clauses(i) and (ii) of Rule 14 of the said Rules, the payment of gratuity shall be authorised to be paid to the Government servant.

(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.

GOVERNMENT OF RAJASTHAN'S DECISION

Grant of cent per cent provisional pension under Rule 90 mandatory even if departmental or judicial proceedings are continued

See Government of Rajasthan's Decision 5 below Rule 7.

91. Revision of pension after authorisation

(1) Subject to the provisions of Rules 6 and 7 pension once authorised after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently:

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of Administrative Department and the Finance Department if the clerical error is detected after a period of two years from the date of authorisation of pension.

(2) For the purpose of sub rule (1), the retired Government servant concerned shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension 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 Head of Office shall, by order in writing, direct that such excess payment, shall be adjusted in instalments by short payment of pension in future, in one or more instalments, as the Head of Office may direct.

92. Recovery and adjustment of Government dues

(1) It shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the retirement gratuity becoming payable.

(3) The expression 'Government dues' includes -

- (a) dues pertaining to Government accommodation including arrears of rent, if any;
- (b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary, dues of his office etc.

¹"GOVERNMENT OF RAJASTHAN'S DECISION

राजकीय कर्मचारी से वसूली योग्य राशि यदि उसके सेवाकाल के दौरान वसूल नहीं होती है तो ऐसी राशि राजस्थान सिविल सेवा (पेंशन) नियम, 1996 के नियम-92 के तहत कर्मचारी को सेवानिवृत्ति पर देय उपदान में से समायोजित की जा सकती है।

प्रायः यह देखा गया है कि राजकीय कर्मचारी से, सेवा के दौरान अथवा सेवानिवृत्ति पर, बकाया राशि वसूली करने के आदेश जारी करने से पूर्व कार्यालयाध्यक्ष/विभागाध्यक्ष द्वारा वसूली योग्य राशि संबंधित राज्य कर्मचारी को बिना सुनवाई का अवसर दिये सीधे की वसूली हेतु आदेश जारी कर दिये जाते हैं। राजकीय कर्मचारी द्वारा ऐसे वसूली आदेशों को अधिकरण/न्यायालय के समक्ष चुनौती देने पर वसूली-आदेश सामान्यतया इस आधार पर अपास्त हो जाते हैं कि आदेश जारी करते समय न्याय के नैसर्गिक सिद्धान्तों की पालना नहीं की गई तथा कर्मचारी को सुनवाई का मौका नहीं दिया गया।

1. Inserted vide FD Circular No.F.9(9)FD(Rules)/2000 dated 26.4.2001.

अतः समस्त कार्यालयाध्यक्षों/विभागाध्यक्षों से यह अपेक्षा की जाती है कि राजकीय कर्मचारी से राजकीय बकाया राशि (इसमें कर्मचारी को भुगतान किये गए अधिक वेतन, भत्ते आदि जो नियमानुसार देय नहीं थे की वसूली भी सम्मिलित है) की वसूली संबंधी आदेश जारी करने से पूर्व न्याय के नैसर्गिक सिद्धान्तों की पालना करके सुनवाई का मौका देने के बाद वसूली योग्य राशि अभिनिश्चित/निर्धारित की जावें। तत्पश्चात् ही राशि वसूली संबंधी आदेश जारी किये जावें, ताकि अनावश्यक वादकरण न हो तथा वाद दायर होने पर राजकीय पक्ष इस आधार पर कमजोर न रहें।”

93. Adjustment and recovery of dues pertaining to Government accommodation

(1) The Director of Estates/concerned Executive Engineer on receipt of intimation from the Head of Office under sub rule (1) of Rule 79 regarding the issue of No Demand Certificate shall scrutinize its records and inform the Head of Office eight months before the date of retirement of the allottee, if any rent was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding rent is received by the Head of Office by the stipulated date, it shall be presumed that no rent was recoverable from the allottee in respect of the period preceding eight months of his retirement provided that the Department had forwarded the application for No Demand Certificate two years in advance and had obtained acknowledgement for the same.

NOTES

1. The Advance No Demand Certificate shall be issued by the Directorate of Estates/Public Works Department to the Department concerned eight months before the date of superannuation incorporating:

- (i) the amount of rent due upto that period, i.e. eight months prior to the date of superannuation;
- (ii) the monthly rate of recovery of rent for the rest of the service, i.e. eight months; and
- (iii) the amount of rent recoverable for the period of retention allowed as per rules, after retirement.

A copy of the Advance No Demand Certificate shall be endorsed to the individual concerned.

2. After the pension has been authorised, P.P.O number and the particulars of the Treasury/Bank on which it is issued, will be intimated to the Directorate of Estates/Public Works Department alongwith the permanent residential address of the retiring government servant, by the Head of Office.

(2) The Head of Office shall ensure that rent for the next eight months, that is up to the date of retirement of the allottee, is recovered every month from the pay and allowances of the allottee.

(3) Where the Directorate of Estates/Public Works Department intimates the amount of rent recoverable in respect of the period mentioned in sub rule (1), the Head of Office shall ensure that outstanding rent is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(4) The Directorate of Estates/Public Works Department shall also inform the Head of Office the amount of rent for the retention of Government accommodation for the permissible period beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that rent from the amount of the gratuity together with the unrecovered rent, if any, mentioned in sub rule (3).

(5) If in any particular case, it is not possible for the Directorate of Estates/Public Works Department to determine the outstanding rent, that Department shall inform the Head of Office that ten per cent of the gratuity or two thousand rupees in respect of non-gazetted and five thousand rupees in respect of gazetted government servants, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of rent for the occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee shall be the responsibility of the Directorate of Estates/Public Works Department. Any amount becoming due on account of rent for retention of Government accommodation beyond permissible period after retirement and remaining unpaid may be ordered to be recovered by the Directorate of Estates/Public Works Department through the Director, Pension Department, from the Dearness Relief without the consent of the pensioner. In such cases, no Dearness Relief shall be disbursed until full recovery of such dues have been made.

(7) In case a Government accommodation is allotted to a Government servant after forwarding of the list of retiring Government servants to Directorate of Estates/Public Works Department under Rule 79, i.e. within two years of retirement, the allotting authority will ensure raising of regular demand for recovery of rent, to the Head of Office, under whom he is working. The Head of Office would be responsible to make recoveries accordingly. If in any case, the entire dues could not be recovered from the salary bills, the Head of Office shall include those unrecovered dues in the intimation to be sent to the Director, Pension Department, under rule 85.

(8) In case recovery of rent is found / intimated by the Directorate of Estates / PWD after issue of P.P.O. such dues shall be recoverable from the pension / family pension.

- Notes:**
- (1) For the purpose of this rule, the rent shall also include furniture rent, garden rent and any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.
 - (2) In respect of Government servants vacating the Government accommodation during service period, the issue of No Demand Certificate should not be held up till the period of retirement.

94. Adjustment and recovery of dues other than dues pertaining to Government Accommodation

(1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub rule (3) of Rule 92, the Head of Office shall take steps to assess the dues 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.

(2) The assessment of Government dues referred to in sub rule (1) shall be completed by the Head of Office eight months prior to the date of the retirement of the Government servant.

(3) The dues as assessed under sub rule (2) including those which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of retirement gratuity becoming payable to the Government servant on his retirement.

PROCEDURE TO BE FOLLOWED IN RESPECT OF DUES OF HOUSE BUILDING AND CONVEYANCE ADVANCE

1. (i) The Head of Office shall forward to the concerned Treasury Officer a list of Government servants alongwith applications of the concerned Government servants in Form No.28 specifying advances taken by them, who are due to retire within the next two years and have taken either House Building or Conveyance Advance or both the advances, with request for -

- (a) updating of ledgers of their personal accounts;
- (b) intimation of missing credits, if any;
- (c) issue of no dues certificate, in case the entire amount of advance together with interest thereon has been paid;
- (d) intimation of balance outstanding;
- (e) intimation about the amount of advance set apart for adjustment against the Gratuity.

He will also refer to the entries regarding drawal of long term advances made in the Service Book of the concerned employee.

(ii) If the Government servant has not taken any long term advance he will certify the same in Form 28 A.

(iii) A copy of Form 28 or Form 28 A, as the case may be, shall be attached with Form 7-form for assessing pension and gratuity to be sent to the Director, Pension Department, Rajasthan under Rule 83.

2. The Head of Office, on receipt of any intimation from the concerned Treasury Officer seeking any information or details, shall supply necessary details as may be available in his office or after obtaining from previous office or offices or from the Government servant concerned.

3. The Treasury Officer shall, eight months before the date of retirement of a Government servant, intimate-

- (a) the amount outstanding till that date;
- (b) the amount to be recovered from the monthly salary for the eight months following;
- (c) the amount set apart for adjustment from the Retirement Gratuity; and
- (d) any other relevant information.

4. The Head of Office shall be responsible for making the above recoveries from the salary of the Government servant concerned or intimating the Director, Pensions Department, Rajasthan, as per provisions of Rule 85 for recovering the amount from Gratuity. A copy of the intimation received by the Head Office from the Treasury Officer shall be attached with the pension papers.

5. The Director, Pension Department, Rajasthan, shall be responsible to effect recoveries of balance amount as intimated by the Treasury Officer, from the Gratuity Payment Order, or in case no amount is left over to be paid as gratuity, from the monthly pension, in suitable instalments, not exceeding one-third of the pension every month.

Note:- The concerned Treasury Officer is required to issue No Dues Certificate in respect of Long Term Advance immediately after payment of last instalment of interest and he will not, in any case, postpone the issuing of No Dues Certificate till the receipt of request of the Head of Office/Government servant as provided in above Procedure or till the retirement of the Government servant.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Obtaining of no dues certificates from the Motor Garage and District Pool has been dispensed with by the Government. However, if any dues are intimated by these departments to the concerned Head of Office, the same may be recovered from the gratuity payable to the Government servant, if recoveries cannot be made from the pay.

2. Release of amount withheld from gratuity

The withheld amount from gratuity i.e. 10% of the gratuity or Rs.2,000 or Rs.5,000, as the case may be, whichever is less, will be indicated in the Gratuity Payment Order itself. The Director, Pension Department, Rajasthan, shall incorporate directions to the Disbursing Officer that, in absence of instruction to the contrary, the withheld amount may be released without further instructions on the expiry of period of six months from the date of retirement.

3. (1) Statement required to be maintained for proper monitoring and reporting system

In simplifying the procedure with a view to eliminate delays in the payment of superannuation pension and death-cum-retirement gratuity, Government have proceeded on the basis that in spite of every effort imperfections may remain in the records and procedures but that it would be unfair to a retiring Government servant if he had to suffer because of the lapses of those responsible for the proper maintenance of service records. The fact that under the new procedures the presumption will be in favour of the Government servant if the records are incomplete or deficient in any manner underlines the importance of ensuring the proper, regular, and timely completion of all the service and accounts records by the offices concerned, so as to minimize the occasion for making such presumptions. It has, accordingly, been decided that if, in future, service records are found to be incomplete or imperfect at the time of processing and finalizing pension cases, those cases will not be delayed but the officials responsible for the maintenance of the records will be held accountable for any deficiencies, failure or omissions therein, and action will be initiated against them. The Head of Departments will ensure that these directions are complied with.

(2) In order to ensure that the payment of pension should in all cases commence on the first of the month in which they are due, it has been decided that the progress of the pension cases should be watched by the Head of the Offices and the Head of the Departments by means of monthly and quarterly statements so that the various cut-off dates laid down are strictly followed. For proper monitoring and reporting system the Heads of Offices shall prepare the following statements (Form No.26 (1 to 4)).

Statement No. 1: This is monthly statement and should cover cases of all Government servants due to retire within the succeeding 8 months and indicate the progress of the pension cases with reference to the various stages and time-limit prescribed, i.e., whether action was initiated two years in advance and whether the pension papers are ready for being sent to the Director, Pension Department, Rajasthan before 6 months of the retirement of the Government servant. The statement should be submitted by the Head of Office to the next higher officer.

Statement No.2: This is monthly statement having Part I and Part II and the statement should cover the cases of Government servants who became due for retirement in the previous calendar month. Part I and Part II of the statement should be submitted by the Head of Office to the next higher officer. The next higher officer will submit Part II of the statement to the Head of the Department. Where next higher officer is the Head of Department, Part I and Part II both shall be submitted, duly filled in, to the Head of Department.

Statement No.3: This is a quarterly statement and should indicate the particulars of those Government servants where presumptions have been made in favour of retired Government servant because of incomplete/improper maintenance of service records. The names of the persons responsible for improper maintenance of the record of service books and action taken against the Government servant concerned responsible for lapse should also be indicated. The statement is to be submitted to the Head of Department.

Statement No.4: This is half-yearly statement to be submitted by the Head of Department to the Secretary of the Administrative Department concerned.

(3) Any case where payment of pension is delayed, has to be viewed seriously. The causes of delay in such a case have to be identified and remedial steps taken so that such delays should not occur in future. This can only be ensured if the Heads of the Departments will personally scrutinize the statements and issue such directions as they may consider necessary where payments of pensions have been delayed. Any deficiency in the procedure should be brought to the notice of the Finance Department at the appropriate level so that rules may be amended accordingly.

(4) For proper monitoring of pension cases, the senior most member of the Rajasthan Account Service posted in the concerned department shall be the Nodal Officer on behalf of the Head of the Department.

(5) Government views it with serious concern any delay in the finalization of pension cases of the retiring government servants. If the pension cases are processed in accordance with the procedure laid down in this Chapter, there is no reason why a Government servant should not get his Pension Payment Order and Gratuity Payment Order on the day of retirement. Government will not hesitate in taking disciplinary action against those Officers/Officials who are found lacking or wanting in implementing these rules, resulting in delay of pension cases. It has further been decided that in case there is any litigation on account of non release of pension on the date of the retirement of any Government servant, the cost of that litigation shall be recovered from the defaulting Officer(s).

B - FAMILY PENSION AND DEATH GRATUITY

in respect of Government servants dying while in service

95. Obtaining of claims for family pension and death gratuity

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

- (2) (a) Where the family of the deceased Government servant is eligible for the death gratuity under Rule 55, the Head of Office 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 Head of Office shall, then, address the person concerned in Form 10 or Form 11, as may be appropriate, for making a claim in Form 12.
- (3) Where the family of the deceased Government servant is eligible under Ch. VC for the Family Pension-
- (a) the Head of Office shall address the widow or widower in Form 13 for making a claim in Form 14 alongwith necessary documents, and
 - (b) where the deceased Government servant is survived only by a child or children the guardian of such child or children may submit a claim in Form 14 alongwith necessary documents to the Head of Office:

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

(4) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the Public Works Department/ Directorate of Estates for the issue of "No Demand Certificate" in accordance with the provisions of sub-rule (1) of Rule 101.

96. Completion of Form 18

- (1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of Rule 95 shall simultaneously undertake the completion of Form 18. The work shall be completed within one month of the date on which intimation regarding the date of death of the Government servant has been received.
- (b) The Head of Office shall go through the service book of the deceased Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.
- (c) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this purpose the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2) For the purpose of determination of emoluments for family pension and death gratuity, the Head of Office shall verify from the Service Book, the correctness of emoluments drawn by the Government servant immediately before his death.

The Head of Office will obtain/record certificates in the Service Book as prescribed in Rule 81 (1) (b) (iii) to (v).

(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the Government servant and the amount of family pension and death gratuity shall also be calculated accordingly.

(4) He will issue a final Last Pay Certificate in Form 31, to be attached with Form-18.

97. Determination of the amount of family pension and gratuity where service records are incomplete

If, in any particular case, the service book has not been maintained properly despite the Government's orders on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be confined to the followed spells of service:-

- (a) For the purpose of Family Pension -
 - (i) If the deceased Government servant on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and the amount of Family Pension, determined under Rules 61 and 62 (i).
 - (ii) If the deceased Government servant on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments drawn by the Government servant immediately before his death shall be verified and accepted by the Head of Office after obtaining/recording certificates in the service book as prescribed in rule 81 (1) (b) (iii) to (v) and the amount of Family Pension, and the period for which it is payable shall be determined in accordance with the provisions of Rule 62 (ii) and 62 (iii).
 - (iii) If the deceased Government servant at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provisions of Rules 61 and 62 (i).
 - (iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of Rule 62 (ii) and (iii).
 - (v) The determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of the Government servant.

- (b) For the purpose of death gratuity -
- (i) If the deceased Government servant had on the date of his death rendered more than 5 years of qualifying service but less than 20 years of qualifying service, and the spell of last 5 years has been verified and accepted by the Head of Office under clause (a), the amount of death gratuity shall be equal of 12 times of his emoluments as indicated in Item (iii) of the Table below clause (b) of sub-rule (1) of Rule 55. Where the verified and accepted service is less than 5 years, the amount of death gratuity shall be the amount as indicated in Item (i) or Item (ii) in the Table below clause (b) of sub-rule (1) of Rule 55, as may be applicable.
 - (ii) If the deceased Government servant had rendered more than twenty years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (i), the family of the deceased Government servant shall be allowed, on provisional basis, the death gratuity equal to 12 times of the emoluments. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death gratuity shall then be authorised to the beneficiaries.

98. Forwarding the papers to the Director, Pension Department

(1) On receipt of claim or claims, the Head of Office shall complete items 24, 25, 26, 27 and 28 of Form 18 and send the said Form in original to the Director Pension with a covering letter in Form 19 along with the Government servant's service book duly completed up-to-date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.

(2) The Head of Office shall retain one copy of the aforesaid Form 18 for his office record.

(3) If the payment is desired in another circle of accounting unit, Form 18 shall be sent in duplicate to the Director Pension.

(4) The Head of Office shall draw the attention of the Director Pension to the details of Government dues outstanding against the deceased Government servant, namely,-

- (a) Government dues as ascertained and assessed in terms of Rule 101 and recoverable out of the gratuity before payment is authorised.
 - (b) Amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity.
 - (c) The maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten per cent of the amount of gratuity or rupees one thousand/rupees two thousands, as the case may be, whichever is less.
- (5) (a) If Form 18 has been completed and the claim or claims in the respective Forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward Form 18 and the documents referred to in sub-rule (1) to the Director Pension leaving unfilled items 24, 25, 26, 27 and 28 of Part I of the said Form.

- (b) As soon as the claim or claims are received by Head of Office, they shall immediately be forwarded to the Director Pension with the request that items 24, 25, 26, 27 and 28 of Part I of Form 18 may be filled by the Director Pension.

99. Sanction, drawal and disbursement of provisional family pension and gratuity

(1) On receiving the application along with necessary documents from the family of deceased Government servant, the Head of Office, after most careful summary investigations, issue a sanction in form 33 addressed to the Director Pension indicating the amount of family pension to which the family of the deceased Government servant is entitled to receive under these rules. Provisional Payment of Death Gratuity is not admissible under this sub rule. The amount of provisional family pension can be revised on the basis of assessment made on forwarding of the claim and papers to the Director Pension Department under rule 98.

(2) After the documents referred in rule 98 have been sent to the Director Pension Department, the Head of Office shall sanction provisional family pension not exceeding the maximum family pension and 75% of the gratuity as determined in accordance with the provisions of this Chapter. For this purpose the Head of Office shall adopt the following procedure namely:-

- (a) he shall issue a sanction in form 33 addressed to the Director, Pension Department indicating the amount of-
 - (i) Provisional family pension if no sanction has been issued under sub rule (1),
 - (ii) Revised provisional family pension in case provisional family pension has been sanctioned under sub rule (1), and
 - (iii) 75% of the gratuity as provisional gratuity.
- (b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (4) of Rule 98;

(3) On receipt of sanction of provisional Family Pension from the Head of office, the Director, Pension Department shall issue provisional Pension Payment Order and Gratuity Payment Order within a week positively.

100. Authorisation of final pension and balance of the gratuity by the Director Pension

(1) On receipt of the documents referred to in sub-rule (1) of Rule 98, the Director Pension shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete Section I of Part II of Form 18 and assess the amount of family pension and gratuity:

- (2) (a) If the family pension is payable in Rajasthan, the Director Pension shall prepare the pension payment order.
- (b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.
- (c) Arrears of family pension, if any, in respect of the period for which provisional family pension was paid shall also be authorised by the Director Pension.

- (3) (a) The Director Pension shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant and issue a Gratuity Payment Order on the Treasury/Pension Payment Officer.
- (b) The amount of gratuity withheld under clause (v) of sub rule (1) of Rule 101 shall be adjusted by the Director, Pension Department against the outstanding rent mentioned in clause (viii) of sub-rule (1) of Rule 101 and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) The fact of the issue of the Pension Payment Order shall be promptly reported to the Head of Office by the Director Pension and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of provisional family pension is payable in another circle of accounting unit, the Director Pension shall send the Pension Payment Order together with a copy of Form 18, duly completed to the Accounts Officer of that unit for arranging payment through the Accountant General, Rajasthan:

Provided that the adjustment of provisional family pension paid shall be made by the Director Pension.

(6) If the amount of provisional family pension is found to be in excess of the final family pension assessed by the Director Pension, it shall be open to the Director Pension to adjust the excess amount out of the balance amount of gratuity payable or in instalments by short payments of family pension payable in future, irrespective of whether the consent of the pensioner has been obtained or not.

(7) If the amount of provisional death gratuity paid to the family of the deceased Government servant is found to be in excess of final gratuity assessed by the Director Pension, the family shall be called upon to refund such excess in the manner as may be specified by the Director Pension or recover the same from family pension payable in future, irrespective of whether the consent of the pensioner has been obtained or not.

101. Adjustment of Government dues

(1) Dues pertaining to Government accommodation-

- (i) If on the date of death the Government servant was allottee of Government accommodation, the Head of Office on receipt of intimation regarding the death of the Government servant shall within seven days of the receipt of such intimation, write to the Directorate of Estate/Public Works Department for the issue of 'No Demand Certificate' so that authorisation of family pension and death gratuity is not delayed. While addressing the Directorate of Estate/Public Works Department for the issue of no demand certificate, the Head of Office shall also supply the following information:-
 - (a) name of the deceased Government servant with designation;
 - (b) particulars of the accommodation (quarter No., type and locality);
 - (c) date of death of Government servant;
 - (d) whether the Government servant was on leave at the time of his death and, if so, the period and nature of leave;
 - (e) whether the Government servant was enjoying rent-free accommodation;
 - (f) the period up to which rent had been recovered from the pay and allowances of the deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made;

- (g) if the rent had not been recovered up to the date of death and the family intends to retain Government accommodation for the permissible period from the date of death of the Government servant, details of the-
 - (A) period for which rent still remains to be recovered;
 - (B) the amount of rent in respect of the period at (A) to be determined on the basis of the standard rent bill;
 - (C) the amount of rent for the retention of Government accommodation by the family of the deceased Government servant for the concessional period beyond the date of death of the Government servant to be determined on the basis of standard bill;
 - (D) the amount of rent mentioned at (B) and (C) proposed to be recovered out of death gratuity;
 - (E) details of any previous reference from the Directorate of Estate/Public Works Department having bearing on the recovery of rent outstanding against the allottee and action taken thereon.
- (ii) The amount of rent as intimated to the Directorate of Estate / Public Works Department under clause (i), rent shall be recovered from death gratuity.
- (iii) The recovery of rent for the occupation of Government accommodation beyond the permissible period shall be the responsibility of the Directorate of Estate/Public Works Department.
- (iv) The Directorate of Estate/Public Works Department shall scrutinize their records with a view to determine if rent other than the rent referred to in clause (i) was outstanding against deceased Government servant. If any recovery is found, the amount and the periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of three months of the receipt of intimation regarding the death of the Government servant under clause (i).
- (v) Pending receipt of information under clause (iv), ten per cent of the death gratuity or two thousand in respect of Non-gazetted Government servant /five thousands rupees in respect of Gazetted Government servant, whichever is less, shall be withheld.
- (vi) If no intimation is received by the Head of Office within the period prescribed under clause (iv) regarding recovery of rent, it shall be presumed that nothing was recoverable from the deceased Government servant provided that an acknowledgement had been obtained of the intimation sent under clause (i) and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of death gratuity was paid.
- (vii) If the Head of Office has received intimation from the Directorate of Estate/Public Works Department under clause (iv) regarding rent outstanding against the deceased Government servant, the Head of Office, shall verify from the acquittance rolls if the outstanding amount of rent was recovered from the pay and allowances of the deceased Government servant. If as a result of verification it is found that the amount of rent shown as outstanding by the Directorate of Estate/P.W.D. had already been recovered, the Head of Office shall draw the attention of the Directorate of Estate/P.W.D. to the pay bills under which the necessary recovery of the rent was made and subject to the provisions of sub-rule (2) write to the Director Pension to authorise the release of the amount of the gratuity withheld under clause (v) to the person or persons to whom the death gratuity was paid.

- (viii) If the outstanding amount of rent was not recovered from the pay and allowances of the deceased Government servant, the Head of Office shall request the Director Pension that the outstanding amount may be adjusted against the amount of the gratuity with held under clause (v) and the balance, if any be authorised to be re-paid to the person to whom the amount of death gratuity was paid.

(2) Dues other than those referred to in sub-rule (1)-

The Head of Office shall, within one month of the receipt of intimation regarding death of a Government servant, take steps to ascertain if any dues as referred to in Rule 92 excluding the dues pertaining to the allotment of Government accommodation and balance of House Building Advance were recoverable from the deceased Government servant. Such ascertainable dues shall be recovered from the amount of death gratuity becoming payable to the family of the deceased Government servant.

102. Payment of family pension and death gratuity when a Government servant dies while on deputation

In the case of a Government servant who dies while on deputation to other State/Central Government or while on foreign service, action to authorise the payments of family pension and death gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the cadre authority which sanctioned the deputation of the Government servant.

103. Procedure to be adopted for grant of family pension under provisos to rule 61 of Family Pension Rules

- (a) The member or members of the family entitled to family pension in case of a missing pensioner or unheared of a Government servant shall apply to the Head of Office as required under provisos to Rule 61 in the prescribed form. Forms of application, indemnity bond and affidavit bear Nos. 15/16, 15A/16A, 15B/16B respectively.
- (b) The Head of Office on receipt of an application, in proper form, shall look into the genuineness of the claim, verify the facts, obtain Police investigation report on the F.I.R. from the respective police authority and forward the application for issue of pension payment order of family pension to the Director, Pension Department, Rajasthan, Jaipur.
- (c) On receipt of the application form, from the Head of Office, the Director, Pension Department, Rajasthan, shall also examine the application and other documents furnished in support of the claim regarding admissibility and grant of family pension and on being satisfied, he shall issue Pension Payment Order to the member or members of the family for grant of family pension.

104. Endorsement of the family pension entitlement of post retiral spouses in the Pension Payment Order of pensioners

- (a) As and when a pensioner marries or remarries after retirement, he shall intimate in the prescribed Form 30 for the event to the Head of Office who processed his pension papers at the time of his retirement. He shall also furnish alongwith his application an attested copy of the marriage certificate from the Registrar/Gram Panchayat/District Magistrate in respect of his post-retirement marriage.
- (b) The Head of Office on receipt of application in Form 30 after due verification forward papers to the Director, Pension Department, Rajasthan, Jaipur for issue of corrigendum to the Pension Payment Order. If the pensioner has any eligible child or children from another wife, who is not alive, the family pension shall be divided between the eligible child of the wife, who is not alive and the post retiral spouse and her children.

- (c) The corrigendum Pension Payment Order shall be forwarded by the Director, Pension Department, to the concerned Pension Payment Officer, and a copy of the corrigendum Pension Payment Order shall be endorsed to the pensioner.

105. Procedure in respect of ex gratia grant under Rule 75

- (a) An application for ex gratia grant to the family of a Government servant who dies while on duty in certain circumstances under Rule 75 of Chapter V C Family Pension Rules, shall be made by the member of his/her family who is entitled for grant of family pension in Form 17, within a period of one year from the date of death as provided in the above rules, failing which the same shall not be entertained by the Head of Department.
- (b) The expenditure on this account shall be debited to the budget Head -
 - 2071 - Pension and other Retirement Benefits
 - 01 - Civil
 - 104 - Gratuities
 - (ii) - Ex gratia grant on death of Government servants while on duty

¹"Provided that the expenditure on account of ex-gratia granted by the Collector of the District under sub-rule (5) of Rule 75 shall be charged to the Budget Head of the Election."
- (c) The amount of ex gratia grant shall be drawn by the Head of Office from the Treasury on a simple receipt form on the basis of the sanction issued by the Head of the Department and make payment of the grant to the member of the family of the deceased Government servant. No authority from the Director, Pension Department, Rajasthan will be required for such payment.
- (d) The Head of Department should ensure that payment of ex gratia grant is made within 10 days of the date of receipt of complete application.
- (e) The ex gratia grant to the employees of the Central Government, Undertakings of Centre or State, Statutory Corporations, Local Bodies, Autonomous Bodies, Cooperative Societies, R.B.I., Nationalised Banks etc. and Home Guard personnel who die while on election duty, shall be granted by the Collector of the concerned district to the member of the family of the deceased who is entitled to receive the Death Gratuity as per relevant rules. The eligible member of the family shall apply to the Collector concerned in Form 17. The amount shall be drawn by the Collector from the Treasury on a simple receipt form on the basis of sanction issued, by debiting the Budget head to which election expenses are debited.
- (f) The ex gratia grant to the family of a Volunteer, Home Guard who dies while on duty in the circumstances mentioned in clauses (b) to (e) of sub rule (1) of Rule 75 shall be granted by the Director General, Home Guard & Civil Defence, on fulfillment of the conditions mentioned in the rules. The payment shall be made to the widow/minor children of the deceased. Application for the same shall be submitted by the person eligible to receive the grant to the Director General, Home Guard & Civil Defence. The amount shall be drawn by the Director General from the Treasury on a simple receipt form on the basis of sanction issued and shall be debited to the Budget Head to which the allowances paid to Home Guard Volunteers are debited.

1. Inserted vide FD Notification No.F.15(7)FD(Rules)/98 dated 19.05.2007.

106. Procedure in respect of ex gratia grant under rule 76

- (a) An application for ex gratia grant shall be made by the member of a deceased Government Servant's family who is entitled for the grant of family pension, in Form 17, within a period of one year from the date of death, to the Director General of Police/Director, Civil Defence & Commandant General, Home Guards, as the case may be, failing which the application shall not be entertained.
- (b) The Director General of Police/Director, Civil Defence & Commandant General Home Guards, as the case may be, shall forward the application alongwith details of the incident and his comments to the Secretary to the Government, Home Department, Rajasthan.
- (c) The ex-gratia grant shall be sanctioned by the Secretary to the Government, Home Department.
- (d) The amount of ex-gratia grant shall be drawn by the Head of Office from the Treasury on a simple receipt form on the basis of sanction issued by the Secretary to Government, Home Department. No authority from the Director, Pension Department, will be required for this purpose.
- (e) In respect of Forestry Personnel, the application for ex-gratia grant shall be made to the Principal Chief Conservator of Forest who will forward the same with his comments to the Secretary to Government, Forest Department, who will be the sanctioning authority in their cases.
- (f) In respect of a Volunteer of Civil Defence & Home Guards, application for ex-gratia grant shall be submitted to the Director Civil Defence & Commandant General, Home Guards, who will forward the same to the Secretary to Government, Home Department, for obtaining sanction. The amount shall be drawn by the Director, Civil Defence and Commandant General, Home Guards, by debiting the Budget Head to which the allowances paid to such Volunteers are debited.

**C - FAMILY PENSION AND RESIDUARY GRATUITY
IN RESPECT OF DECEASED PENSIONERS**

107. 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 Director, Pension Department.

- (2) (A) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of family pension, under Rules 66 and 67, the amount of 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 a claim in Form 14 from the widow or widower, the Pension Disbursing Authority from whom the deceased pensioner was drawing his or her pension shall authorise the payment of family pension, to the widow or widower, as the case may be.

The Pension Disbursing Authority shall, after authorising the payment of family pension to the widow/widower, inform the fact to the Director, Pension Department, in Form 29.

- (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 family pension:

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

- (ii) On receipt of a claim from the guardian, the Head of Office shall sanction the family pension in Form 20.

- (C) (i) Where a widow or widower in receipt of family pension, remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for family pension, the remarried individual shall be eligible to draw the 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 purposes 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 pension disbursing authority from where payment of 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 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 family pension:

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

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

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

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

(ii) On receipt of a claim under sub clause (i), the Head of Office shall sanction family pension in Form 21.

(3) 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 55, 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.

108. Authorisation of payment by Director, Pension Department

On receipt of the sanction under Rule 107 regarding the payment of family pension or of residuary gratuity or of both, the Director, Pension Department shall authorise the payment of the same.

* * * * *

CHAPTER VII

SPECIAL PENSIONARY AWARDS

109. Applicability

The rules in this Chapter shall apply to the following categories of Government servants on pensionable establishment whether temporary or permanent -

(1) Police personnel whether in regular or irregular units including R.A.C. upto the rank of Commandant & Superintendent of Police (other than IPS officers) who -

- (i) die as a result of encounter with dacoits,
- (ii) killed while on duty, including Class IV servants followers & other non-combatant staff attached to Police Force,
- (iii) die as a result of encounter with criminals or in the course of confrontation with mobs or crowds during agitation, riot or disturbances etc.

(2) Personnel of Preventive Branch of the Excise Department upto the rank of Excise Officer (Preventive) who are killed or die as a result of injury sustained while undertaking raids.

110. Applicability of Award

Award at the rates specified in Rule 111 shall be granted under this Chapter to the family of -

- (a) Police personnel who while in service are killed or die under any of the circumstances mentioned in the relevant clauses of Rule 109;
- (b) Personnel of Preventive branch of the Excise Department who while in service are killed or die under the circumstance mentioned in clause (2) of Rule 109.

111. Amount of Award

Subject to the other provisions of this Chapter, the amount of Award and concessions admissible under this Chapter will be as follows :-

- (i) Death Gratuity as admissible under Chapter V-B.
- (ii) If the Government servant is survived by the widow, family pension equal to the emoluments last drawn by the deceased Government servant. The said family pension shall be payable upto the date when the deceased would have attained the age of superannuation had he survived or her remarriage whichever is earlier.
- (iii) When family pension ceases to be payable on attaining the age of superannuation of the deceased Government servant had he survived, under clause (ii) above, the family pension shall be paid equal to half of the maximum of the scale in which pay was being drawn by the deceased Government servant in substantive, officiating or temporary capacity, for life or until her re-marriage, whichever is earlier.
- (iv) Children of the deceased shall be entitled to the facility of free education in Government Schools and Colleges within Rajasthan, to the same extent as permissible to the children of low paid Government Servants, according to rules thereon.
- (v) The family of the deceased shall be paid a sum of Rs. 2,000 for meeting expenses on the funeral rites of the deceased Government servant.

- (vi) In cases where the amount of Special Pensionary Award admissible under clause (ii) or (iii) of the Rule 111, falls short of minimum family pension payable under Chapter V-C, Special Pensionary Award shall be paid at the rate of minimum family pension under Chapter V-C.
- (vii) (a) In the event of remarriage of the widow, family pension will be allowed to the eligible members at the rates of family pension & subject to the conditions laid down for family pension under Chapter V-C from the date following the date of remarriage of the widow.
- (b) In the event of death of the widow who has been granted family pension, the family pension will be allowed to the eligible members of the family at the rates and conditions laid down in clause (viii) below.
- ¹"(viii) If the Government servant is not survived by a widow, but is survived by child/ children only, all children together shall be eligible for family pension @ 60% of emoluments subject to minimum of Rs. 2500/-.

The above family pension shall be payable to child / children for the period during which they would have been eligible for family pension under Chapter V-C. The family pension shall be paid to the senior most eligible child at a time on the lines on which the family pension is regulated under Chapter V-C.

- (ix) Where the Government servant dies as a bachelor or as a widower without children, dependent pension would be admissible to the parents @ 75% of emoluments last drawn, if both parents are alive and @ 60% of emoluments if only one of them is alive."
- (x) Where the family pension or dependent pension is allowed in terms of these orders, no other family pension or dependent pension will be admissible under any other orders or rules in consideration of death of the same deceased Government servant.

GOVERNMENT OF RAJASTHAN'S DECISIONS

²"The Governor is pleased to order that the Special Pensionary Award sanctioned to the families of Government servants under Chapter XXIII B of Rajasthan Service Rules will be consolidated with effect from 1.9.1996 in accordance with the provisions contained in Finance Department Memorandum No. F.15(5)FD(Rules)/98 dated 21.3.1998 subject to the condition laid down therein."

1. The existing clause (viii) and (ix) substituted vide FD Notification No.F.15(2)FD(Rules)/99 dated 14.7.2000 w.e.f. 1.10.1996. The provisions regarding consequential amendment in Rajasthan Service Rules, non-accrual of arrears and mode of payment of arrears shall be as contained in Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998

"(viii) If the Government servant is not survived by widow, but is survived by child/children only, all children together shall be eligible for family pension at the following rates -

<i>Emoluments of Government servant on the date of death</i>	<i>Monthly Family Pension</i>
(i) Not exceeding Rs.1500	50% of emoluments
(ii) Exceeding Rs.1500 but not exceeding Rs.3000	40% of emoluments subject to minimum of Rs.750
(iii) Exceeding Rs.3000	30% of emoluments subject to a minimum of Rs.1200 & maximum of Rs.2500/-.

The above family pension shall be payable to child/children for the period during which they would have been eligible for family pension under Chapter V-C. The family pension shall be paid to the senior-most eligible child at a time on the lines on which the family pension is regulated under Chapter V-C.

(ix) Where the Government servant dies as a bachelor or as a widower without children, dependent pension will be admissible to the parents without reference to the pecuniary circumstances at 75 percent of the emoluments last drawn by the deceased Government servant for both parents and 56.25 percent of the emoluments last drawn by the deceased Government servant for a single parent. On the death of one parent, dependent pension at the later rate will be admissible to the surviving parent. The dependent pension at these rates shall be payable upto the date when the deceased Government servant would have attained the age of superannuation had he survived and thereafter the dependent pension shall be paid at 75 percent or 56.25 percent as the case may be, of the rates prescribed in sub rule (viii) above."

2. Inserted vide FD Memorandum No. F.15(2)FD(Rules)/99 dated 14.7.2000.

¹“The Governor is pleased to order that the Special Pensionary Award sanctioned to the family of Government servants under Chapter XXIII B of Rajasthan Service Rules prior to 1.9.1988 may also be revised in accordance with the provisions contained in Finance Department Memorandum No. F.15(5)FD(Rules)/98 dated 11.6.1998.”

112. Definition of emoluments

‘Emoluments’ will mean as defined in Rule 45 of Rajasthan Civil Service (Pension) Rules, 1996.

113. Dearness Relief / Interim Relief

Dearness Relief and Interim Relief as may be admissible from time to time shall be paid on the amount of family pension/dependent pension in accordance with the provisions of rule 77 and 77A of R.C.S. (Pension) Rules, 1996.

114. Procedure

(1) Except as provided in this rule in respect of matters of procedure, awards under these rules are subject to procedure and rules relating to ordinary pensions to the extent that such procedure and rules are not inconsistent with the rules contained in this Chapter.

(2) The following authorities shall be competent to sanction pension under this Chapter, to whom the application for grant of pension/gratuity in the form given in the Annexure shall be submitted -

- (i) Commandant, in case of RAC personnel;
- (ii) Superintendent of Police, in case of Police personnel other than R.A.C.;
- (iii) Dy.I.G.P. in case of Police personnel of range offices;
- (iv) D.G.P. in case of Commandant or Superintendent of Police (other than I.P.S.);
- (v) Excise Commissioner, Rajasthan, in case of personnel of Preventive Branch, of Excise Department.

The application shall be submitted through the Head of Office, under whom the deceased Government servant was immediately serving before death.

(3) The pension sanctioning authority, on receipt of application shall immediately fill up the prescribed form and issue orders for grant of pension/gratuity after necessary enquiry and shall forward the sanction and application to the Director, Pension Department, Rajasthan alongwith following documents:

- (i) Last Pay Certificate.
- (ii) Death Certificate by a Government Medical Officer provided that in cases where the Police personnel are believed to be killed in encounter with dacoits or while on duty, but could not be located, the Commandant/Superintendent of Police/Director General of Police, as the case may be record the following certificate in respect of such persons -

Certified that Shri rank..... S/o Shri..... posted at is believed to have been killed in encounter with dacoits or while on duty.

- (iii) Declaration for refund of excess amount of pension, in Form annexed.
- (iv) A statement of circumstances resulting in death.

1. Inserted vide FD Memorandum No. F.15(2)FD(Rules)/99 dated 18.2.2002.

- (v) Left/right hand thumb and finger impressions of the claimant(s), in duplicate, duly attested.
- (vi) Specimen signature of the claimant(s), in duplicate, duly attested.
- (vii) Passport size photograph of the claimant(s), in duplicate, duly attested on the face.

On receipt of the aforesaid documents, the Director, Pension Department, Rajasthan, will issue the Pension Payment Order.

Guidelines for grant of special pensionary awards under Chapter VII of Rajasthan Civil Service (Pension) Rules, 1996 to the Police and Excise (Preventive Branch) employees.

Following guidelines are laid down for grant of special pensionary award :-

On occurrence of an event leading to the death of a Government Servant while on duty covered under this Chapter the officer under whose control the deceased Government servant was performing duty shall intimate the facts of the event in detail to the head of department/next higher authority immediately and not later than next working day. For sanctioning such an award the death as a result of performance of duty/killed while on duty should be beyond any doubt and dispute. In case of any doubt the authority competent to sanction special pensionary award shall refer the matter to the next higher authority for orders. In cases where the intimation regarding the death could not be given in the aforesaid period, such cases shall invariably be referred to the Head of department/next higher authority for seeking his orders. The pension sanctioning authority shall forward the claim to the Director, Pension Department within a fortnight after the death of the employee who after scrutiny of the claim shall issue P.P.O. within a period of 15 days.

For the purpose of grant of Death Gratuity the details of service duly verified alongwith service book of the employee shall be sent to the Director, Pension in the form prescribed for grant of family pension. The death under normal circumstances while on duty shall not be covered for the purpose of grant of special pensionary awards.

The pension sanctioning authority shall personally be responsible to see that the special pensionary award is sanctioned only to the categories of Government servants who are on pensionable establishment whether temporary or permanent covered under rule 109 of the aforesaid rules.

ANNEXURE

Application for a family pension for the family of Shri
late in the Department

1. Name of the Government Servant.
2. Designation.
3. Date of death.
4. Emoluments on the date of injury or death:
 - (a) Substantive Pay,
 - (b) Offg. Pay, if any,
 - (c) Special Pay,
 - (d) Personal Pay,
 - (e) Allowances.
5. Particulars of the applicants for pension.

S.No.	Name	Relation with the deceased	Date of birth	Height	Personal marks
-------	------	----------------------------	---------------	--------	----------------

6. Name of Treasury/Sub-Treasury at which payment is desired.
7. Signature and left hand thumb and fingers' impressions duly attested (to be enclosed in duplicate.)

Note: - In case of females, right hand thumb and fingers' impressions should be taken.

8. Full address of the applicant/applicants.
9. Required declaration attached.

Signature or Thumb impression of the applicant.

I certify that the information given above regarding Shri
injured/ dead and his dependents is correct as verified by me.

10. The following documents are enclosed :-
 - (i) Last Pay Certificate giving details of the emoluments.
 - (ii) Medical Report/Certificate of death.
 - (iii) A statement of circumstances resulting in death.
 - (iv) Left/Right hand thumb and finger impressions in duplicate, duly attested.
 - (v) Specimen signatures in duplicate duly attested.
 - (vi) Passport size photos in duplicate duly attested on the face.
 - (vii) Declaration as required under Rule 114 of R.C.S. (Pension) Rules, 1996.

11. Orders of pension sanctioning authority for special pensionary award. - The undersigned having satisfied himself of the above particulars of late Shri/Shrimati hereby orders the grant of award of Family Pension and Gratuity which may be accepted by the Director, Pension Department, as admissible under the rules. The grant of Family Pension and/or Gratuity shall commence from

Pension Sanctioning Authority
(with seal of office)

Declaration

“Whereas the (here state the designation of the officer sanctioning the pension/family pension/service gratuity/death-cum-retirement gratuity/ arrears of pension or gratuity) has consented to grant me/us the sum of Rs. as the amount of my pension/family pension and/or the sum of Rs. as the amount of gratuity/ death-cum-retirement gratuity/ arrears of pension or gratuity due to Shri/Shrimati (here give the name and designation of the Government servant) I/We hereby acknowledge that in accepting this amount, I/We fully understand that the pension/ family pension/gratuity/ death-cum-retirement gratuity/arrears of pension or gratuity/due to Shri/Shrimati is subject to revision on its being found to be in excess of that to which I/We am/are entitled under the rules and I/We promise to base no objection to such revision. I/We further promise to repay any amount advanced to me/us in excess of that to which I/We may be eventually found entitled”.

* * * * *

CHAPTER VIII

EXTRAORDINARY PENSIONS

115. Extent of application

The rules in this Chapter shall apply to all persons appointed by the Government of Rajasthan to services and posts under its administrative control or in connection with the affairs of Rajasthan, other than those to whom the Workmen's compensation Act applies, whether the appointment of such persons is permanent or temporary, on a time scale of pay or fixed pay, or piece work rates.

NOTES

1. Article 320 of the Constitution of India provides that the Public Service Commission should be consulted on claims for the award of injury pensions and as to the amounts of such awards. It is, therefore, necessary to consult the Commission on every claim by or in respect of a person, who is or was under the rule making control of the Rajasthan Government for the award of a pension or gratuity under the rules 115 to 122 and 127 of Chapter VIII. The following supplementary instructions should be observed when the Rajasthan Public Service Commission is consulted in respect of claims for the award of injury pension:-

- (i) the Commission should be consulted after the department concerned and audit have expressed their views on a case. For procedure see Rule 127;
- (ii) the point of reference to the Commission should inter alia be, whether in their opinion the award of any pension, gratuity, etc. is admissible, and if so, the amount thereof;
- (iii) any such reference to the Commission should be in the form of an official letter with which the relevant papers should be forwarded.

2. Notwithstanding anything contained in Note 1, it shall not be necessary for the Commission to be consulted on any claim for the award of a family pension on account of death caused as a result of injuries sustained by a person while serving in the Police Force of the Government in a civil capacity and as to the amount of any such Award.

116. Definition

For the purpose of the Rules contained in this Chapter unless there is anything repugnant in the subject or context,

- (1) "accident" means -
 - (i) a sudden and unavoidable mishap, or
 - (ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service.
- (2) "date of injury" means-
 - (i) in the case of violence or injury the actual date on which the injury is suffered or such date not later than the date of the report of the Medical Board, as the Government may fix; and
 - (ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by Government with due regard to opinion of the Medical Board;

(3) "injury" means-

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

(4) "disease" means -

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

(5) "Pay" means-

the pay as defined in Rule 7 (24) of the Rajasthan Service Rules, which a person was drawing on the date of his death or injury:

Provided that in the case of a person remunerated by piece work rates, pay means the average earnings of the last six months ending with the date of his death or injury;

(6) "violence" means-

the act of a person who inflicts an injury on a Government servant -

- (i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or
- (iii) because of his official position.

117. Condition for accepting disablement/death due to Government service

(1) (a) Disablement shall be accepted as due to Government service provided that it is certified that it is due to wound, injury or disease which-

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

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

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

(2) There shall be a causal connection between-

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

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

Clarification - It will be seen from the Forms 'C', 'D' and 'E' that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in Rule 117 have been satisfied or not, and therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for the sanctioning authority as well as the Director, Pension Department, to satisfy themselves that the death/disability is, in fact, attributable to or aggravated by the Government service which alone makes an E.O.P. Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and causal connection between disablement and Government service or between death and Government service (as the case may be), in any particular case, as laid down in the Rule 117 on the basis of the medical and other documents regarding the case. If a Government servant had died in such circumstances and that a medical report could not be secured, even then, the nexus and the causal connection between death and Government service has to be established before conceding acceptance of death due to Government service.

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

118. Conditions of Award

No award shall be made under these Rules except with the sanction of the Government or of a competent authority to whom Government may delegate, subject to such conditions as it may fix, the powers vested in Government under these Rules.

119. Effect of award on other pensionary benefits

Except as otherwise provided in these rules, an award under these rules shall not affect any other pension or gratuity for which the Government servant concerned may be eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service. In case of death of the Government servant due to Government service, the family shall be paid Death Gratuity as per rule 55 of these Rules. Family pension under Chapter V C of these rules shall not be payable in addition to the Award.

Note:- See Government of Rajasthan's Decision No.1 below rule 127 (3).

120. Award when inadmissible

No award shall be made in respect of -

- (i) an injury sustained more than five years before the date of application, or
- (ii) death which occurred more than seven years -
 - (a) after the injury due to violence or accident was sustained, or
 - (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

Note:- See Rule 131 regarding date of payment of E.O.P.

121. Determination of percentage of disability

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

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

122. Amount of Disability Pension Award

(1) When disablement of a Government servant is conceded as due to Government service in terms of Rule 117, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) of this Rule in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in SCHEDULE II hereto annexed. The quantum of disability pension for lower percentage of disability shall be, "proportionately lower". (The minima and the maxima given in SCHEDULE II are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent).

(3) If the Government servant is boarded out of Government service on account of such disablement, and further if, the percentage of his permanent disability as certified by the Medical Authority is not less than 60% his monthly disability pension shall be related to the family pension admissible to the widow (in case he had died instead of being disabled) in the manner indicated below -

- (a) If the employee held a permanent pensionable post and is invalided/boarded out from service, as a result of disability attributable to service, after rendering ten years service, he shall be given, apart from the normal invalid pension under the R.C.S. (Pension) Rules, 1996, the amount of disability pension as is admissible under this Chapter subject to the condition that the sum-total of the invalid pension plus the disability pension shall not be less than the widow's (family) pension under this Chapter; and
- (b) If the employee eligible for disability pension under these Rules is invalided/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the R.C.S. (Pension) Rules, 1996. Apart from such gratuity, he shall be given such amount of disability pension as is admissible under these Rules subject to the condition that the sum-total of the pension equivalent of such gratuity under the R.C.S. (Pension) Rules, 1996 plus the disability pension as is admissible under these Rules, shall not be less than the widow's (family) pension under these Rules.

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

123. Amount of Award (EOP) to Family

When death of a Government servant is conceded as due to Government service in terms of Rule 117, his widow and children shall be awarded pensionary benefits in accordance with SCHEDULE III hereto annexed.

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

124. Award to other members of the deceased's family

(1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually, or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need:

Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow who is childless under Rule 123.

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

Note:- If any of the widows, children, father, mother or minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him such a person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.

125. Date from which award to the family effective

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

(2) A family pension will ordinarily be tenable

- (i) in the case of a widow or mother until death or remarriage whichever occurs earlier;
- (ii) in the case of son until he attains the age of 25 years or minor brother until he attains the age of 18;
- (iii) in the case of an unmarried daughter until marriage or until she attains the age of 25, whichever occurs earlier; or in case of minor sister until marriage or until she attains the age of 21, whichever occurs earlier;
- (iv) in the case of a father, for life.

126. Continuance of award to widow on remarriage with her deceased husband's brother

Notwithstanding anything contained in clause (i) of sub-rule (2) of Rule 125, a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with, or contributes to the support of the other dependents of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

127. Procedure

(1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) When a claim for any injury pension or gratuity or family pension arises, the Head of Office or of the Department in which the injured or deceased Government servant was employed will forward the claim through the usual channel to the Government with the following documents:-

- (i) full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.
- (ii) The application for injury pension or gratuity in Form A or as the case may be, the application for family pension in Form B of the Forms set forth in Schedule IV.
- (iii) In the case of an injured Government servant or one who has contracted a disease a medical report in Form C of the Forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.
- (iv) A report of the Director, Pension Department concerned as to whether an award is admissible under the rules and if so of what amount.

(3) Where the Government are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of wound or other extraordinary pension has been received by them, of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the Government servant and submit a report to the Government in the matter; pension shall be granted to the Government servant in accordance with the decision of the Second Medical Board.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. Authority competent to sanction the award

Where there is no disagreement between the Director, Pension Department, the Administrative Department and the Rajasthan Public Service Commission, either as regards admissibility of the award or the amount admissible, the pension should be sanctioned by the: -

- (i) Administrative departments of the Government; and
- (ii) the Chairman Board of Revenue, Director General (Police), Director General (Prisons) and Director, Medical and Health Services in respect of Government servants carrying pay in pay scales where the maximum does not exceeds ¹"Rs. 8000";
in respect of Government servant working under them.

Cases which are not clearly covered by the rules or where there is disagreement between the Director, Pension Department and the Administrative Department or between them and the Rajasthan Public Service Commission or where an award not clearly admissible under the rules, is proposed to be granted on ex-gratia grounds, should, however, continue to be referred to Finance Department for concurrence as usual.

The pension sanctioning authorities should make a direct reference in all the cases of awards under the Extraordinary Pension rules in which the proposed pension or gratuity is held to be clearly covered by and is admissible under the rules to the Rajasthan Public Service Commission.

1. The existing words & figures "Rs.2600" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996

2. Award only under E.O.P. Rules in cases covered under both the Pension Rules

Family Pension to the families of Government servants governed by the Family Pension Rules under Chapter V C of R.C.S. (Pension) Rules, 1996 as well as the E.O.P. Rules whose death is accepted as due to Government service as defined in the latter rules, would be paid under the Extraordinary Pension Rules and not under Family Pension Rules. In other words, they will not be entitled to benefits under the Family Pension Rules in addition.

3. Lump sum payment of capitalized value of injury pension in cases of re-employment

In cases where injury pension is admissible under the E.O.P. Rules and the employee continues in service and draws salary, he should be paid a lump sum compensation of an amount equal to the capitalized value of the injury pension in lieu of the injury pension. The capitalized value of the injury pension would in such cases be determined with reference to the Commutation Table in force on the date from which injury pension becomes admissible. However, when the injury results in invalidment and boarding out of the employee from service, the existing practice of payment of a monthly injury pension shall continue.

4. Ex gratia payment to families of Government servants travelling by service aircraft and dying in accidents

If a Government servant while travelling on duty in a Government aircraft or while undertaking air journeys on duty by non-schedule flight in Chartered plane dies as a result of accident to the aircraft, his family will be entitled to the grant of ex-gratia payment of Rs. Five lakhs in addition to the benefits admissible under Extraordinary Pension Rules in Chapter VII.

Note - The term 'family' for the purpose of the aforesaid Government of Rajasthan's Decision No.4, shall include wife, children and failing that, other legal heirs including parents of the deceased Government servant.

5. Appeal against the findings of a Medical Board who examined a Government servant for the purpose of grant of wound or other extraordinary pensions

The following procedure may be followed in this regard:-

- (i) The findings of the examining Medical Board should be made known to the Government servant concerned as soon as possible after the receipt of the medical report by the Head of the Office/Department. The Government servant concerned should, if he desires to appeal against such decisions, do so together with requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him. Ordinarily there is no right of appeal from the findings of an examining medical authority but if Government are satisfied on the evidence placed before them by the Government servant concerned, of the possibility of an error of judgment in the decision of the examining medical authority, it will be open to them to allow re-examination by a second Medical Board.
- (ii) If any medical certificate is produced by the Government servant as a piece of evidence about the possibility of an error of judgment in the decision of an examining medical authority who had examined him in the first instance, the certificate will not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already

been examined by a Medical Board who have given their opinion as to the injury/disease in respect of which the Government servant had applied for extraordinary pension.

- (iii) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee, which shall be refunded if his appeal is upheld by the Review Board.
- (iv) To ensure uniformity of procedure, all appeals shall at first be referred to the Medical & Health Department in the Secretariat who shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal should be accepted or not and if accepted, by whom such re-examination should be conducted.

GUIDELINES FOR CONCEDED ATTRIBUTABILITY OF DISABLEMENT OR DEATH TO GOVERNMENT SERVICE

[Ref. Rule 117 (2)]

1. Rule 117 covers also cases of death after discharge/invalidating from service.

2. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.

3. Post-discharge claims - Cases in which a disease did not actually lead to the Government servant's discharge from service but arose within 7 years thereafter may be recognised as attributable to service, if it can be established medically that the disability is a delayed manifestation of a pathologic process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalided out of service on this account. In cases where an individual in receipt of a disability pension dies at home, and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted-

- (a) the benefit of doubt in determining attributability, should go to the family of the deceased, if death occurs within 7 years from the date of his invalidment from service, unless there are other factors adversely affecting the claim; and
- (b) if death takes place more than 7 years after the date of the man's invalidment from service, the benefit of doubt will go to the State.

In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to Government service.

Note:- Death of a disability pensioner, whose disablement has been accepted on the basis of aggravation, may also be accepted as due to Government service under Rule 117 (1) (b) if the last assessment of disablement was 50 per cent, or above. If the last accepted assessment of disablement was less than 50 per cent, death should not be regarded as due to service.

The above procedure will apply when death is established as due to the disability in respect of which disability pension was granted. If this is not the case, the identification of the cause of death with the invaliding disability will first be determined in accordance with the provisions of the Guidelines. If the identity can be conceded thereunder, the procedure in the preceding sub-paragraph will be followed for determining the further point whether entitlement to extraordinary family pension can be conceded in a case where an invaliding disability was aggravated by service.

- 4. (a) (i) Injuries sustained when the man is 'on duty' will be deemed to have arisen in, or resulted from, Government service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension will be considered.
- (ii) In cases of self-inflicted injuries while on duty, attributability will not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at a reduced rate will be considered.
- (b) A person subject to the disciplinary code of the Rajasthan Armed Constabulary Battalion is 'on duty'-
 - (i) When performing an official task or a task, failure to do which would constitute an offence, triable under the disciplinary code, applicable to him.

- (ii) When moving from one place of duty to another place of duty irrespective of the method of movement.
 - (iii) During the period of participation in recreation, organised or permitted by service authorities, and during the period of travelling in a body or singly under organised arrangements.
 - (iv) When proceeding from his duty station to his leave station on returning to duty from his leave station at public expenses, that is, on railway warrant, on cash TA (irrespective of whether railway warrant/cash TA is admitted for the whole journey or for a portion only), in Government transport or when road mileage is paid for the journey.
 - (v) When journeying by a reasonable route from one's quarter to and back from the appointed place of duty under organised arrangements or by private conveyance when a person is entitled to use of service transport but that transport is not available.
- (c) An accident which occurs when a man is not strictly 'on duty' as defined above, may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus, for example, where a person is killed or injured by someone by reason of his belonging to an Armed Police Battalion (and in the course of his duty in such service, he had incurred wrath of such person) he shall be deemed to be 'on duty' at the relevant time.

This benefit will be given more liberally to the claimant in cases occurring on 'active service' as defined in the relevant Acts/Rules (e.g., those applicable to RAC Personnel).

5. In respect of diseases, the following rules will be observed:-

- (a) Cases, in which it is established that conditions of Government service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, will fall for acceptance on the basis of aggravation.
- (b) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for Government service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.
- (c) If a disease is accepted as having arisen in service, it must also be established that the conditions of Government service determined or contributed to the onset of the disease and that the conditions were due to the circumstances on duty in Government service.
- (d) In considering whether a particular disease is due to Government service, it is necessary to relate the established facts, in the aetiology of the disease and of its normal development, to the effect that conditions of service, e.g., exposure, stress, climate, etc., may have had on its manifestation. Regard must also be had to the time factor (Also see Schedule I-A).

(i) Common diseases known to be affected by exposure to weather

Diseases such as Bronchitis, Rheumatism and Nephritis-indeed most diseases of the respiratory system, joints and kidneys-are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(ii) Common disease known to be affected by stress and strain

This should be decided with due reference to the nature of the duties which the individual has had to perform in Government service. It may be that in some cases the individual had been engaged on sedentary duties, when they will normally not qualify.

(iii) Diseases endemic to certain areas

Disease such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas. These disease may also be introduced by movements of infected persons.

In determining causal connection with service, it will have to be established that the conditions of Government service exposed the individual to the infections as a result of which he contracted the disease. Where there is medical evidence of the contraction of the disease either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability should not be accepted, unless the disease occurs within the incubation period.

(iv) Diseases due to infections in service

Entitlement to pension will be admitted if the exposure to infection arose from the circumstances of the member's Government service.

(v) Diseases known to be affected by dietary compulsions

The compulsions of service would also cover such cases as gastric disorders, e.g., gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases will be limited essentially to the question of aggravation of a pre-existing constitutional condition. This will not normally apply to individuals in sedentary occupation.

(vi) Diseases which run their course independently of external circumstances

There are certain diseases which would have run the same course whether the individual had been in Government service or not, e.g., Leukaemia, Hodgkin's disease, etc. (See Part II of Schedule I-A). Such cases will not be accepted as aggravated by service unless it is clear that owing to exigencies of service, the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed, as to be less effective than it should have been.

(vii) Venereal Disease

(1) Venereal disease will normally be rejected but a sequela of the disease may sometimes to accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance will rarely be found unless the member after treatment had returned to full duty had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

(2) In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement will not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

(3) In the case of disease due to heredity, entitlement must be determined as in Para (2) above.

(4) The above refers only to late manifestations or sequela of venereal disease as Neuro Syphilis or Cardio-vascular Syphilis.

(viii) Invalidation on account of indulgence in drugs or drinks

Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

6. Unforeseen effects of service medical treatment-

- (a) Whether unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting will normally be accepted as attributable to service.
- (b) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the conditions which necessitated treatment was or was not, either attributable to or aggravated by service. If it was so attributable or aggravated any disablement resulting from the treatment it will normally be accepted as attributable to service. If it was not, no responsibility will be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.
- (c) The above considerations apply whether the treatment is given in a service hospital or under service arrangements in any other hospital but will not apply if the treatment is undertaken under private arrangement by an individual.

7. Assessment-

- (a) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.
- (b) The disablement properly referable to service will be assessed as under-

(i) At the time of discharge from the Government service*.-

Normally the whole of the disablement then caused by the disability. This rule will apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been present before service and/or may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitatively the effects of service and non-service factors, the entire disablement at the time of discharge will be taken into account. For example:

- (1) Where a person who had a partially disabled hand, sustains an injury to the same hand which renders it less useful than before, or person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion; or

* Special consideration should be given to cases in which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco, or drugs or by venereal disease. In such cases, the effects of these will be excluded in assessing disablement ascribable to service.

- (2) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension will be admissible for the total disablement.
- (ii) On re-survey of disability after discharge from the service.-
The whole of the disablement then caused by the disability, less the following:-
- (1) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge;
- (2) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.
Deduction (1) will be made in all cases; while deduction (2) above will apply only in cases where the disability is accepted as aggravated by, but not attributable to, service.
- (c) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent, may be assessed on medical re-survey, after discharge from service, in accordance with para (b) (ii) (2) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease, e.g., Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out and on re-survey was found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined Government service, aggravation by service will be deemed to have passed away.
- (d) Paired organs-
- (i) Paired organs, namely, eyes, ears, arms and legs shall be considered together, where disablement due to service occurs in one of a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore, assessment will include functional defect of the pair of organs.
- (ii) Subject to the exceptions specified below, any subsequent increase in the non-service disablement and non-service disablement arising after discharge whether due to injury or disease will be excluded from the assessment.
- (iii) Cases arise in which at the time of discharge, there is damage by service to one only of the paired organs (namely, eyes, ears, arms including hands) and legs (including feet) and the other is, either normal or impaired in a minor degree. Where the disablement acceptable under clause (ii) above and the disablement of the other limb or organ are together assessable at any subsequent date at 100% the assessment for pension purposes will be increased by one half of the difference between the current assessment and 100 per cent. For instance, a pensioner receiving an award at the 40% rate of the loss of an eye who later loses the sight of his other eye through a non-service cause, will have his award increased to 70% rate; and a pensioner with an award at 80% for a gunshot

wound of an arm, who later develops severe arthritis of his other arm, thereby being 100% disabled, will qualify for a revised award at 90% rate. Where the combined disablement of the pair of organs is less than 100%, but is more than twice as serious as the disablement acceptable under clause (ii) above, the assessment will be increased to one half of the combined disablement. If, for example, a pensioner with an award at 30% rate for the loss of vision of one eye partially loses the sight of the other eye through a non-service cause, and the defective vision of both eyes together is assessable at 80%, his award will be increased to the 40% rate.

(iv) The provisions of the preceding sub-clause are applicable even where the second of a pair of organs has been disabled by some generalised disability (e.g., rheumated arthritis) which would have also disabled the first of the pair if it had not been lost or damaged as the result of service.

(e) Composite assessments -

Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping.

(f) Nil disablement -

Where, although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefor has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed 'nil disablement'.

(g) Where the disability due to service has no connection with pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

* * * * *

SCHEDULE I

[See Rule 116 (3)]

Sr. No.	Description of Injury	Percentage of loss of earning capacity
------------	-----------------------	---

PART I

List of Injuries deemed to result in Permanent Total Disablement

1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100

PART II

List of Injuries deemed to result in Partial Disablement

AMPUTATION CASES - UPPER LIMBS (either arm)

1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	80
3.	Amputation from 8" from tip of acromion to less than 4 1/2" below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 1/2" below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20

Sr. No.	Description of Injury	Percentage of loss of earning capacity
------------	-----------------------	---

AMPUTATION CASES - LOWER LIMBS

11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarsophalangeal joint	80
13.	Loss of all toes of both feet through the metatarsophalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19.	Amputation below middle thigh to 3½" below knee	60
20.	Amputation below knee with stump exceeding 3½" but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to the metatarsophalangeal joint	30
24.	Loss of all toes of one foot through the metatarsophalangeal joint	20

OTHER INJURIES

25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications, or disfigurement of eye ball, the other being normal	30

Sl. No.	Description of Injury	Percentage of loss of earning capacity
---------	-----------------------	--

LOSS OF -

A. FINGERS OF RIGHT OR LEFT HAND

Index Finger

27. Whole	14
28. Two phalanges	11
29. One phalanx	9
30. Guillotine amputation of tip without loss of bone	5

Middle Finger

31. Whole	12
32. Two phalanges	9
33. One phalanx	7
34. Guillotine amputation of tip without loss of bone	4

Ring or Little Finger

35. Whole	7
36. Two phalanges	6
37. One phalanx	5
38. Guillotine amputation of tip without loss of bone	2

B. TOES OF RIGHT OR LEFT FOOT

Great Toe

39. Through metatarso-phalangeal joint	14
40. Part, with some loss of bone	3

Any other Toe

41. Through metatarso-phalangeal joint	3
42. Part, with some loss of bone	1

Sl. No.	Description of Injury	Percentage of loss of earning capacity
---------	-----------------------	--

**TWO TOES OF ONE FOOT,
EXCLUDING GREAT TOE**

43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2

**THREE TOES OF ONE FOOT,
EXCLUDING GREAT TOE**

45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3

**FOUR TOES OF ONE FOOT,
EXCLUDING GREAT TOE**

47	Through metatarso-phalangeal joint	9
48	Part, with some loss of bone	3

* * * * *

NOTE - Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE I-A

[See Rule 116 (4)]

I. LIST AND CLASSIFICATION OF DISEASES WHICH CAN BE CONTRACTED BY SERVICE

A. Diseases affected by climatic conditions

- (i) Pulmonary Tuberculosis.
- (ii) Pulmonary Oedema.
- (iii) Pulmonary Tuberculosis with pleural effusion.
- (iv) Tuberculosis - Non-pulmonary.
- (v) Bronchitis.
- (vi) Pleurisy, empyema, lung abscess and bronchiectasis.
- (vii) Lobar pneumonia.
- (viii) Nephritis (acute and chronic).
- (ix) Otitis Media.
- (x) Rheumatism-acute.
- (xi) Rheumatism-chronic.
- (xii) Arthritis.
- (xiii) Myalgia.
- (xiv) Lumbago.
- (xv) Frost-bite leading to amputation of limb/limbs.
- (xvi) Heat Stroke.

B. Diseases affected by stress and strain

- (i) Psychosis and Psychoneurosis.
- (ii) Hyperpiesta.
- (iii) Hypertension (B.P.)
- (iv) Pulmonary Tuberculosis.
- (v) Pulmonary Tuberculosis with pleural effusion.
- (vi) Tuberculosis-Non-pulmonary.
- (vii) Mitral Stenosis.
- (viii) Pericarditis and adherent pericardium.
- (ix) Endo-carditis.
- (x) Sub-acute bacterialendo-carditis, including infective endocarditis.
- (xi) Nyocarditis-acute or chronic.
- (xii) Valvular disease.

C. Diseases affected by dietary compulsions

- (i) Infective hepatitis (Jaundice).
- (ii) Diseases of stomach and deodenum.
- (iii) Worm infestations particularly Guinea worm and round worm infections.
- (iv) Gastritis.
- (v) Food poisoning, specially due to tinned food.
- (vi) Gastric ulcer.
- (vii) Duodenal ulcer.
- (viii) Nutritional Disorders.

D. Diseases affected by training, marching, etc.

- (i) Tetanus, erysipelas, septicaemia and pyaemia, etc., resulting from injuries.
- (ii) Varicose veins.
- (iii) Ankylosis and acquired deformities resulting from injuries.
- (iv) Hernia.
- (v) Post-traumatic epilepsy and other mental changes resulting from skull injury.
- (vi) Internal derangement of knee joint.
- (vii) Burns sustained through petrol fire, kerosene oil, etc., leading to scars and various deformities and disabilities.
- (viii) Deformities of feet.

E. Environmental Diseases

- (i) Diseases contracted in the course of official duty of attending to a veneral or septicaemic patient or conducting a post-mortem examination.
- (ii) Diseases contracted on account of handling poisonous chemicals and radiation equipment.

II. DISEASES NOT NORMALLY AFFECTED BY SERVICE

- (i) Malignant disease: Cancer and Carcinoma.
- (ii) Sarcoma (except in cases of sarcoma of bone with a history of injury, due to service, on the site of development of the growth)
- (iii) Epithelioma.
- (iv) Rodent ulcer.
- (v) Lymphosarcoma.
- (vi) Lymphadenoma (Hodgkin's disease).
- (vii) Leukaemia.

- (viii) Pernicious anaemia (Addison's anaemia).
- (ix) Osteitis deformans (Paget's disease).
- (x) Gout.
- (xi) Acromegaly.
- (xii) Cirrhosis of the liver-if alcoholic.

EYES

- (xiii) Errors of refraction.
- (xiv) Hypermetropia.
- (xv) Myopia.
- (xvi) Astigmatism.
- (xvii) Presbyopia Glaucoma-acute or chronic, unless there is a history of injury due to service or of disease of the eye due to service.

SCHEDULE II

[See Rule 122 (2)]

DISABILITY PENSION

Disability Pension:

1. Disability Pension for 100% disability shall be allowed at the following rates: -

<u>Pay per month</u>	<u>Rate of disability pension per month for 100% disability</u>
(i) Not exceeding Rs.1,500	30% of pay subject to a minimum of Rs. 300
(ii) Exceeding Rs.1,500 but not exceeding Rs.3,000	20% of pay subject to a minimum of Rs.450
(iii) Exceeding Rs.3,000	15% of pay subject to a minimum of Rs. 600 and maximum of Rs.1,250

2. For lower percentage of disability the monthly disability pension shall be proportionately lower:

Provided that where permanent disability is not less than 60%, the total pension (i.e., pension or service gratuity admissible under the Ordinary Pension Rules plus disability pension under EOP Rules) shall not be less than 60% of basic pay subject to a minimum of Rs.750 and maximum of Rs.2,500.

SCHEDULE III

[See Rule 123]

EXTRAORDINARY FAMILY PENSION

1. Family Pension to the widow/widower and children's pension to each eligible child separately shall not be paid. Only one consolidated extraordinary family pension shall be payable to the seniormost beneficiary at a time on the same lines as is applicable for payment of family pension under the R.C.S. (Pension) Rules, 1996. The rates of consolidated extraordinary family pension will be inclusive of element of children's pension and also children's education allowance.

2. The consolidated family pension shall be allowed at the following rates irrespective of whether the deceased Government servant had completed 7 years of service or not:

	Pay of the Government servant on the date of death	Monthly extraordinary family pension
(A) Where the deceased Government servant was not holding a pensionable post:		
(i) If the widow is childless	(i) Not exceeding Rs.1,500	30% of pay subject to a minimum of Rs.300
	(ii) Exceeding Rs.1,500 but not exceeding Rs.3,000	20% of pay subject to a minimum of Rs.450
	(iii) Exceeding Rs.3,000	15% of pay subject to a minimum of Rs.600 and maximum of Rs.1,250
(ii) If the widow has child/ children	In all cases	40% of pay subject to a minimum of Rs.500 and maximum of Rs.1,500
(B) Where the deceased Government servant was holding a pensionable post:		
(i) If the widow is childless	(i) Not exceeding Rs.1,500	50% of pay
	(ii) Exceeding Rs.1,500 but not exceeding Rs.3,000	40% of pay subject to a minimum of Rs.750
	(iii) Exceeding Rs.3,000	30% of pay subject to a minimum of Rs.1,200 and maximum of Rs.2,500

(ii) If the widow has child/children	In all cases	60% of pay subject to a minimum of Rs.750 and maximum of Rs.2,500
--------------------------------------	--------------	---

3. Family pension at the rates indicated at (A) (i) and (B) (i) above shall be paid to the widow up to the date of death or remarriage, whichever is earlier. Family Pension at the rates indicated at (A) (ii) and (B) (ii) above shall be paid to the widow till the child/children attain the age prescribed under the family pension rules and thereafter the widow shall be paid family pension at the rates indicated at (A) (i) and (B) (i) above.

4. In cases where the widow dies or remarries, the children shall be paid family pension at the rates indicated at (A) (i) and (B) (i) above, as the case may be, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to the children for the period during which they would have been eligible for 'Family Pension' under Chapter V C of the R.C.S. (Pension) Rules, 1996. No children's pension or education allowance shall be paid in addition to the consolidated rates of family pension indicated above. The dependent parents, brothers, sisters, etc., shall be paid family pension at one-half of rate applicable to fatherless/motherless children subject to existing specified conditions. Family pension shall be paid to the seniormost eligible beneficiary at a time.

FORM B

[Rule 127 (2) (ii)]

FORM OF APPLICATION FOR FAMILY PENSION

Application for Extraordinary Pension for the family of the

late Shri/Shrimati.....killed or died of _____
Injury/Disease
Injuries/Diseases
claimed as being attributable to Government service.

I. Information regarding the claimant

1. Full name and address, residence (showing village, Post Office, District, State)
2. Age and date of birth
3. Height
4. Identification Marks
5. Present occupation and pecuniary circumstances
6. Degree and nature of relationship with the deceased

II. Information regarding the deceased

7. Full name, Father's name, residence (indicating village, Post Office, District, State)
8. Particulars of post and service with full name and address of the Establishment
9. Full particulars of service, length of service, etc.
10. Pay at the time of death
11. Date of birth
12. Age at the time of death
13. Nature of _____
Injury/Disease
Injuries/Diseases causing death.

(as per the Certificate of the Medical Authorities)
and the circumstances in which the same resulted.

III. Other Information

14. Amount of pension, etc., claimed
15. Place of Payment
16. Date from which benefit(s) claimed
17. Other relevant information, if any

IV. Names and ages of *surviving kindred of the deceased

Relation	Name	Date of birth by Christian era
----------	------	--------------------------------

Sons:

Widows:

Daughters:

Father:

Mother:

(Place)

.....

(Date)

Claimant

NOTE 1.- Please strike out the word or words not applicable.

NOTE 2.- If the deceased has left no son, widow, daughter, father or mother surviving him, the word "none" or "dead" should be entered opposite to such relative.

.....

Head of Office

Place:

Date.....

Seal.

* The term 'child' includes a posthumous child of the Government servant and is covered by the term surviving kindred.

- (c) Is the Government servant's-
- (i) present condition, or
 - (ii) death

Injury/Disease

wholly due to _____ and reason as claimed?

Injuries/Diseases

If so, please explain fully how?

If not, please state to what other causes the same is/are attributable.

- (d) From which date it appears that the Government servant has been _____ incapacitated on that account: was

- (e) Which is the date of injury/disease/death:

The opinion of the Board upon the questions below is as follows:-

PART A. FIRST EXAMINATION

1. The percentage of disability due to _____ Injury/Disease is _____%
Injuries/Diseases

[Please give herein below full details/justification about the

nature of the _____ Injury/Disease and for percentage of
Injuries/Diseases

disability certified, supported by full/all medical and hospital documents with reference to Schedule I and I-A to the E.O.P. Rules.]

2. For what period from the date of _____ Injury/Disease
Injuries/Diseases
- (a) has the Government servant been unfit for duty? From To
- (b) is the Government servant likely to remain unfit for duty? From To

- (iii) Was the individual participating in recreation organised or permitted by service authorities? Indicate the nature of the recreation, e.g., P.T. Exercises including games. In case of games and sports out of parade hours, cite and attach copy of official orders to indicate that it was organised or permitted by competent authority
or
- (iv) Was the individual travelling either in a body or singly under organised arrangements? (Cite and attach copy of official orders to indicate that the arrangements were organised by competent authority)
or
- (v) Was the individual proceeding to his leave station or returning to duty from his leave station? In either case, was the journey at public expense or was performed on concession voucher or at individual's own expense? [Give-
 - (1) the dates of commencement and termination of the period of leave;
 - (2) the name of the leave station; and
 - (3) particulars of the direct route from the place of duty to or from the leave station.]

(b) Was the accident due wholly/partially to:

(i) serious negligence

and/or

(ii) misconduct of the individual? (Indicate the nature of the serious negligence or misconduct and the grounds on which the opinion is based)

(c) Was any one else to blame for the accident? (If so indicate how and to what extent)

(d) Was the individual under the influence of intoxicating drink or drug at the material time?

(e) Has any Court of Enquiry been held or will be held? [If so, indicate the date and the place of the enquiry, and attach the Enquiry Report (in original)] @

Station..... Officer Commanding
Date..... Head of Office

@ In all cases of death, Court of Enquiry must be held; so also in respect of disability exceeding 20%.

5. The injury/disability/death occurred in peace/field/operational Area and is/is not attributable to Government service.

.....
+ I.G.P.

Date..... Station.....

.....
Head of Office
.....
Head of Department
(D.G.P.)

+ To be completed and signed by OC unit if injury is not severe and no Court of Inquiry is held.

FOR USE ON FIELD SERVICE ONLY (Items 6-8)

(To be completed in all field service cases where injuries are, or are suspected to be self-inflicted)

- 6. (a) Opinion of the Unit Commander
- (b) Disciplinary action taken, or proposed, whether against injured individual or another

Indicate casualty signal No.....
and date.....

.....
Commandant of Unit

To

I.G.P.

DECISION OF I.G., _____

- 8. The casualty should be reported as.....

Date

I.G.P.

To

D.G.P., Jaipur

NOTE - If the I.G.P. decides that the casualty is to be reported as self-inflicted, he should indicate how far he concurs with the opinions expressed above.

FORM 'E'

[See also Forms 'C' and 'D']

**FORM FOR REPORT ON CASES (OTHER THAN THOSE
DUE TO INJURIES) WHICH HAVE ENDED FATALLY
OR ARE PROPOSED FOR INVALIDING**

PART A

(To be filled by the M.O.)

Station.....

Date.....

Name.....Service No.....Designation.....

Unit.....Service.....Force.....Other full service

particulars and office address, etc.....

Disability.....

Outcome of the case, i.e., died or to be invalided.....

.....

Medical Officer

PART B

(To be answered by the Officer Commanding Unit)

Circumstances of the case

1. Was the individual in your opinion of average physique and stamina when he joined the unit?
2. (a) Was the individual, as far as you are aware, in his normal health prior to the onset of the illness?

(b) If you are aware of any previous illness from which he suffered (which is not recorded in his medical history), state its nature and duration
3. Was the individual employed on sedentary duties/sheltered occupation? If so-

(a) had he to do P.T. and/or Parades?

(b) was he doing it regularly prior to falling ill or had been exempted therefrom on account of ill-health? If so, from which date?

4. (a) (i) Mention any circumstances of exposure giving details thereof, and/or
- (ii) State periods and conditions of service, at any particular place, which you consider caused or aggravated the illness.
- (b) (i) Give the nature of duties he had to perform in Government service
- (ii) Was he subject to stress and strain by such duties? If so, was it of an exceptional nature? Give details
- (c) Diseases endemic to certain areas or disease due to infection:
 - (i) If disability or death was due to infection, is there any evidence that the exposure was due to negligence or misconduct on his part?
 - (ii) Did he live in unit lines or was he permitted to live outside with his family?
 - (iii) How many out-passes was he granted during the previous month and what was the date of the last out-pass?
 - (iv) Was the disease endemic to the area he was serving in and during this period or immediately preceding it were there other cases of the same disease in the unit? If so, give the number of such cases, details of movements of infected persons and state any other circumstances which might have been responsible for the disease
 - (v) Give the date of last leave and places where the leave was spent. Did illness start during leave? If shortly after return from leave, state date on which the illness commenced
- (d) Venereal Disease (Further information on the points mentioned below) -
 - (i) When was it contracted
 - (ii) Period of treatment
 - (iii) Whether after treatment the man returned to full duty?
 - (iv) Whether after return to duty post hospital surveillance and treatment was continued according to existing regulations
 - (v) After return to duty, was the man subjected to any stress of an exceptional nature? If so, mention the nature of exceptional stress

5. Do you consider that the death or disability was attributable to or aggravated by service?

Date.....

.....

Officer Commanding

.....

Head of the Office

.....

Head of the Department

PART C

(To be completed by Medical Officer concerned in all death cases)

- (i) How many cases of this disease were treated during six months prior to admission of this individual?
- (ii) How many cases of this disease were received from this unit? Give details of such patients in chronological order
- (iii) Was the infection endemic or was there any outbreak of it in the local garrison?
- (iv) Was there an outbreak of the disease in the neighbouring city or village?
- (v) What is your view of the source of infection? In all cases state whether you consider the death was attributable to or aggravated by service and give the reasons on which you base your opinion

.....

Commanding Officer, Hospital

- 1. Chief Medical Officer, Presiding Officer of the Medical Board
- 2. Medical Officer, Member of the Medical Board.
- 3. Medical Officer, Member of the Medical Board.

CHAPTER IX

PAYMENTS OF PENSIONS

128. Date from which pension becomes payable

(1) Except in the case of a Government servant to whom the provisions of 33 apply and subject to the provisions of Rules 7 and 90, a pension other than extraordinary pension under Chapter VIII and 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.

129. Currency in which pension is payable

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

130. Manner of payment of gratuity and pension

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

NOTES

1. On receipt of the Pension Payment Order, the disbursing officer will deliver one half to the pensioner and keep the other half carefully in such manner that the pensioner shall not have access thereto.

2. Each payment made is to be entered on the reverse of both of the pensioner's half and of the Disbursing Officer's half of the Pension Payment Order.

131. Date of payment of extraordinary pension

In cases where considerable delay has occurred in making application for an extraordinary pension it will be granted only from the date of the report by the Medical Board and no application for gratuity or pension will be entertained unless submitted within 5 years of the wound or injury.

132. Application of Treasury Rules

Save as otherwise provided in these rules, the Treasury Rules of Rajasthan Government shall apply in regard to the procedure of payment -

(i) of gratuity, and

(ii) of pension.

133. Personal appearance for identification

As a rule a pensioner must take payment in person after identification by comparison with the Pension Payment Order.

NOTE

A pensioner of rank may be privately identified by the Disbursing Officer and need not be required to appear at a Public Office.

134. Authorities for signing a life certificate

(1) A pensioner of any description, who produces a life certificate signed by any person specified hereunder is exempted from personal appearance -

- (i) a person exercising the powers of a Magistrate under Criminal Procedure Code;
- (ii) a Registrar or Sub Registrar appointed under the Indian Registration Act;
- (iii) Gazetted Officer;
- (iv) a Police Officer not below the rank of Sub-Inspector incharge of a Police Station;
- (v) a Post Master, a Departmental Sub-Post Master or an Inspector of Post Offices;
- (vi) a Class I Officer of the Reserve Bank of India or an officer of the State Bank of India or Sub Accountant appointed as an agent or an Accountant at a branch of the State Bank of India or by a Bank included in the second schedule to the Reserve Bank of India Act, 1954;
- (vii) a Block Development Officer or Naib Tehsildar;
- (viii) a Member of Parliament or State Legislative Assembly or Sarpanch of Village Panchyat; or
- (ix) a Pensioned Officer who before retirement exercised the powers of a Magistrate.

(2) A pensioner not resident in India in respect of whom his duly authorised Agent produces a life certificate signed by a Magistrate, a Notary, a Banker or a diplomatic Respresntative of India is exempted from personal appearance.

GOVERNMENT OF RAJASTHAN'S DECISION

Except in the cases of payment of pensions through the Authorised Agents under Rule 137, the life certificate shall be obtained once in six months where the payment is desired to be made to an agent or representative of the pensioner under rule 135 and is not received by him in person in terms of Rule 134.

135. Drawing of pension through an Agent

When a Pensioner draws his pension through an Agent or Representative, the claim must be supported by the written authority of the pensioner to pay the pension to the Agent or the Representative nominated by him to receive payment on his behalf. In such cases, the endorsement "Received payment" must be signed by the pensioner and a separate receipt which need not be stamped shall be endorsed by the Agent or the nominee, as the case may be, in token of having actually received the payment.

136. Verification of continued existence of a pensioner once a year

(1) In all cases referred to in Rule 134, the Disbursing Officer must take precautions to prevent impositions, and must at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner.

(2) (i) For this purpose he should require the personal attendance and due identification of all pensioners except -

- (a) those exempted from personal appearance granted by the Government or Collector of the concerned District;
- (b) those women pensioners who are not accustomed to appear in public;
- (c) those pensioners who are incapacitated by bodily illness or infirmity from so attending.

(ii) In regard to the procedure to be followed for pensioners covered in the exceptions mentioned in clause (i) above, the Disbursing Officer shall follow the provisions laid down in the Treasury Manual.

(3) If the usual life certificate which accompanies the first bill presented on or after April 1 is countersigned by a second responsible Government Officer or by any one of the other persons authorised under rule 134, the pensioner need not be required to appear in person for identification. The Disbursing Officer, however, in all cases of doubt, will be competent to obtain proof of the existence of the pensioner independent of that furnished by the life certificate and may ask the pensioner to appear in person for due identification.

NOTE

The Disbursing Officer is personally responsible for any payment wrongly made. In case of doubt, he should consult the Director, Pension Department.

137. Drawing of pension through an authorised agent

(a) A pensioner not resident in India, may draw his pension at any treasury in India through a duly authorised agent possessing a legally valid power of attorney who must either produce a certificate by a Magistrate, a Notary, a Bank or a Diplomatic Representative of India, on each occasion, that the pensioner was alive on the date to which his pension is claimed or execute a bond to refund over payments and produce such a certificate as aforesaid at least once a year.

(b) A pensioner of any description resident in India and is drawing his pension through Banks or agents who have executed a general bond of indemnity or a special bond of indemnity to cover pension payment made to particular pensioner or class of pensioners from a particular station or stations need not be required to get the life certificate accompanying the first bill presented on or after April 1, countersigned in the manner prescribed in clause (c) of Rule 136.

NOTE

Scheme for payment of pensions through Public Sector Banks as notified by the Government in the Finance (R&AI) Department, is appended with these Rules as Appendix VI.

(c) The pension of an officer drawing his pension through an Agent who has executed a bond to refund over-payments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Director, Pension Department and the Disbursing Officer should be on the watch for authentic information of the decease of any such pensioner and on receipt thereof, should promptly stop further payments.

138. Transfer of Payment to another State

(a) The Director, Pension Department, Rajasthan, may, on an application (through the Treasury Officer concerned) received from a pensioner drawing pension in Rajasthan and who is desirous of drawing pension in another State, permit transfer of payment to that Treasury in another State.

(b) The Treasury Officer while forwarding the request for transfer shall enclose therewith both halves of Pension Payment Order recording thereon the last payment made upto that date.

(c) The Director, Pension Department will then either issue a new Payment Order or enface the payment order for payment at the new Treasury and move the Accountant General of the State concerned to do so through the Accountant General, Rajasthan.

139. Transfer of payment from one Treasury to another or to a Sub Treasury under a District Treasury

(1) A Treasury Officer may authorise payment in any of the Sub Treasuries subordinate to his District Treasury of a pension payable under proper authority at his head quarters, and may transfer the payment of a pension from such Sub Treasury to the District Treasury or from one Sub Treasury to another in the same district.

(2) A Treasury Officer may on receipt of an application from the pensioner drawing pension in his District Treasury or Sub Treasury under him, may permit transfer of the payment to another Treasury in any District in Rajasthan, by forwarding both halves of the Pension Payment Order and recording thereon the last payment made upto that date, under intimation to the Director, Pension Department and the pensioner concerned.

140. Certificate of non-employment

(1) A pensioner drawing pension in India is required to append to his bill a certificate of non employment as follows:-

“Certificate of non employment

I declare that I have not been serving in any capacity either under Central or State Government, Local Fund or under a State/Central Government Company, Corporation, Undertaking or autonomous body/statutory body, local body, cooperative society, institution etc. wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or receiving Grant-in-aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in Public Sector Bank or in General Insurance Corporation or Life Insurance Corporation etc. etc.”

(2) In the absence of the above certificate, the Dearness Relief and Interim Relief will remain suspended till such employment/re-employment.

(3) In case where the amount of consolidated salary has been fixed on re-employment without taking into consideration the element of dearness allowance, the payment of Dearness Relief may be made by the Treasury Officer on receipt of such a certificate from the concerned Appointing Authority, subject to the condition that the total consolidated salary plus pension and Dearness Relief payable thereon on the date of retirement does not exceed the pre-retirement emoluments. In case the total consolidated salary plus dearness relief payable on the date of retirement exceeds the pre retirement emoluments, only the difference between the Dearness Relief admissible and the excess over the pre retirement emoluments shall be payable.

(4) In the case of a pensioner permitted under Chapter X to draw pension after re-employment, the certificate prescribed under sub-rule (1) should be modified according to the facts.

(5) In the case of a pensioner drawing his pension through an agent, who has executed the required Bond of Indemnity, the certificate modified accordingly may be signed by the agent provided that the pensioner shall himself furnish, once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificates.

141. Renewal of Pension Payment Order

When the reverse of a Pension Payment Order is filled up or when the pensioner's half is found to be worn or torn, both halves may be renewed by the Treasury Officer.

142. Issue of New Pension Payment Order on loss

If a pensioner loses his half of the Pension Payment Order, a new order may be issued by the Treasury Officer, who should see that no payment is made on the half alleged to be lost by strict observance of Note (2) under Rule 130. The necessary note should be made in the remarks column of the Register maintained at the Treasury.

143. Lapses and Forfeiture

(1) If a pension payable in India remains undrawn for more than one year, the pension ceases to be payable.

(2) If the pensioner afterwards appears, the Disbursing Officer may renew his payment.

(3) The arrears of pension may be paid by the Disbursing Officer -

- (a) if the pension in arrears is to be paid for the first time in accordance with the provisions of Rule 128;
- (b) if the pension in arrears is to be paid not for the first time, and the amount of arrears does not exceed ¹"Rs.50,000".

(4) The arrears of pension exceeding ¹"Rs.50,000" under sub rule 3 (b) shall be paid only with the previous sanction of the Director, Pension Department, Rajasthan.

144. Payment of difference of pension to the missing pensioner on his reappearance

If a missing pensioner reappears at any time after grant of family pension as per proviso to Rule 61, he shall be allowed the difference, if any, between the amount of service pension and the amount of family pension already paid.

145. Payment of arrears of pension of deceased pensioner without producing of usual legal authority

(1) The arrears of pension of a deceased pensioner may be paid to the heirs of the deceased, without the production of the usual legal authority to the extent of ¹"Rs.50,000" under the orders of the Treasury Officer/ Pension Payment Officer after such enquiry into the rights and title of the claimant as may be deemed sufficient. Any excess above ¹"Rs.50,000" may similarly be paid under the orders of the Director, Pension Department, Rajasthan, on execution of an indemnity bond, with such sureties as he may require, if he is satisfied of the right and the title of the claimant. In any case of doubt, payment should be made only to the person producing legal authority.

1. The existing figure and word "Rs.25,000" substituted vide FD Notification No.F.15(2)FD(Rules)/97 dated 20.9.2004.

(2) After payment of the arrears of pension, the Pension Payment Order should be returned to the Director, Pension Department, Rajasthan, with a report of date of death of the pensioner, in case no family pension has been authorised in that Pension Payment Order.

146. Payment of arrears of pension of “unheard of” pensioner

The arrears of pension for the period of non drawal of service pension by the pensioner who had disappeared, to the date of start of family pension under proviso to Rule 61 shall be paid on completion of one year of drawal of family pension, if the pensioner has not reappeared during this period. The arrears would be given at the rate of family pension specified in Rule 62 but not exceeding the rate of service pension.

147. Payment of arrears of family pension under second proviso to rule 61 in case of a missing Government Servant

After one year of drawal of family pension under second proviso to rule 61 in case of a missing Government servant, the family shall be paid arrears of family pension at rates already sanctioned, from the date of missing of the Government servant to the date of start of family pension, provided the Government servant has not reappeared during this period.

148. No claim to pension of heirs when a Government servant dies before retirement or discharge

If a Government servant dies before actually retiring or being discharged his heirs have no claim to anything in respect of his pension except to the extent and subject to the conditions specified in Chapter V of these Rules.

CHAPTER X

FIXATION OF PAY OF RE-EMPLOYED PENSIONERS

149. Applicability

(1) Save as otherwise provided in these Rules, the rules in this Chapter shall apply to all persons who are re-employed in Civil Services and posts in connection with the affairs of Rajasthan Government after retirement on pension, gratuity, and/or Contributory Provident Fund benefits from the services of the Union Government, State Governments including Rajasthan, Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or semi-Government Organisations.

(2) These rules shall not apply to -

- (a) Persons re-employed after resignation or removal, provided they have not received any retirement/terminal benefits for the pre-employed service;
- (b) Persons paid from Contingencies;
- (c) Persons re-employed in posts, expenditure of which is not debitable to the Civil estimates of the Rajasthan Government;
- (d) Persons on casual or daily rated or part time employment;
- (e) Persons appointed as Consultants on payment of consolidated fees;
- (f) Persons appointed on work charged capacity.
- (g) Persons re-employed on contract basis, unless specifically provided for in the contract agreement.
- (h) Persons engaged on consolidated remuneration after retirement as referred in rule 140(3) of these rules.

150. Definition

In these rules, unless the context otherwise requires -

- (a) 'Pension' means the gross monthly pension or pension equivalent of Government's contribution to C.P.F. and/or other retirement benefits, if any, payable under the R.C.S. (Pension) Rules, 1996, or other relevant rules of the Government or the body under which the re-employed pensioner was serving prior to his retirement. Where the pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.
- (b) 'Pre Retirement Pay' means the emoluments, as defined in rule 45 of R.C.S. (Pension) Rules, 1996, last drawn before retirement, but will not include special pay and personal pay, if any.

151. Re-employment after superannuation or retiring pension

A Government servant who is in receipt of Superannuation or Retiring Pension shall not be re-employed or continue to be employed in service paid from the Consolidated Fund or from a Local Fund, except on public grounds. Sanction to re-employment ¹"()" may be given by the Administrative Department with the concurrence of the Department of Personnel.

NOTES

1. Also refer to Government of Rajasthan's Decision 2 below Rule 30.

1. The existing words "or extension of the term of employment" deleted vide FD Notification No.F.15(4)FD(Rules)/98 dated 8.7.1998 w.e.f. 27.6.1998.

2. Government may declare that the restrictions contained in this Rule shall not apply to any particular Local Fund or to Local Funds of any particular class in its territories or that they shall apply subject to such modifications as it may direct.

152. Fixation of pay of re-employed pensioners

(a) Re-employment pensioners shall be allowed to draw pay only in the prescribed scales of pay for the posts in which they are re-employed. No protection of the scales of pay of posts held by them prior to retirement shall be given.

(b) (i) In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on re-employment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of pay of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of the re-employed post. However, in all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.

(c) The re-employed pensioner will in addition to pay as fixed under sub rule (b) above shall be permitted to draw separately any pension sanctioned to him and retain any other form of retirement benefits.

(d) In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (excluding pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent:-

(i) In the case of ex servicemen who held posts below commissioned officer's rank in the Defence Forces and in the case of other retired Government servants who held posts other than State Service posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

(ii) In the case of service officers belonging to Defence Forces and State Government pensioners who were members of the State Services at the time of their retirement, the first ¹"Rs.1500/-" of the pension shall be ignored.

(e) The pay fixed under sub rules (a) to (d) and gross pension taken together shall not exceed ²"Rs.26,000" p.m.

³GOVERNMENT OF RAJASTHAN'S DECISIONS

Persons re-employed in Government service after retirement have been excluded from the purview of the Rajasthan Civil Services (Revised Pay Scale) Rules, 1998 vide Rule 2(ii) (d) & (e) thereof. The question of extension of the benefit of the revised pay scales rules to these persons and the procedure to be followed for fixing their pay in the revised pay scales has been under consideration of the Government. The Governor is pleased to decide

1. The existing words and figures "Rs. 500/-" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.
2. The existing words and figures "Rs. 8000/-" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.
3. Inserted vide FD Memorandum No.F.15(4)FD(Rules)/98 dated 30.6.1998.

that in partial modification of Rule 2 (ii) (d) & (e) of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998, the provisions of these rules shall apply to such persons also who were in re-employment on 1st September, 1996, subject to the orders hereinafter contained. This decision will be applicable to all the Government servants re-employed in Government service, after retirement from a civil post or from the armed forces, other than those re-employed on contract. However, in cases where emoluments during contract appointment were fixed on the basis pay minus pension and in such cases payment of dearness relief and interim relief on pension was not made admissible, this decision will apply and the pay will be revised as per conditions hereinafter contained.

2. Method of Fixation of Pay of re-employed persons drawing pay in the existing pay scale :

- (i) The initial pay of a re-employed Government servant who elects or is deemed to have elected to be governed by the revised pay scale from the 1st day of September, 1996 shall be fixed in accordance with the provisions of Rule 11 of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998, if he is -
 - (I) a Government servant who retired without receiving a pension, gratuity or any other retirement benefit; and
 - (II) a retired Government servant who received pension or any other retirement benefits but which were fully ignored while fixing pay on re-employment.
- (ii) The initial pay of a re-employed Government servant who retired with a pension or any other retirement benefit and whose pay was fixed on re-employment with reference to these benefits or ignoring a part thereof, and who elects or is deemed to have elected to be governed by the revised pay scales from the 1st day of September, 1996 shall be fixed in accordance with the provisions contained in Rule 11 of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998. For the purpose of fixation of pay in the revised pay scale, the 'pre-revised emoluments' as defined in Rule 5(4) of the aforesaid rules shall also include pension or non ignorable part of pension, as the case may be. However, an amount equivalent to the revised pension i.e. consolidated pension inclusive of commuted portion (excluding the existing ignorable portion of pension, wherever permissible) shall be deducted from his pay on fixation of pay in the revised pay scale of the re-employed pensioners.
- (iii) After pay in the revised pay scale is fixed in the manner indicated (i) and (ii) above, increment will be allowed in the manner laid down in Rule 12 of Rajasthan Civil Services (Revised Pay Scales) Rules, 1998. If the pay is fixed at the maximum of the revised pay scale no further annual increment shall be admissible in the revised pay scale.

3. Exercise of option for revised pay scale :

Re-employed persons who become eligible to elect revised pay scales in accordance with these orders should exercise their option in the manner laid down in Rule 10 of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 within three months of the date of issue of these orders.

4. Fixation of pay from subsequent date :

Where a re-employed Government servant elects to draw his pay in the existing scale and is brought over to revised pay scale from a date later than the 1st day of September, 1996, his pay from later date in the revised pay scale shall also be fixed in accordance with the provisions of Rule 15 of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998.

5. Fresh fixation on the basis of revised ignorable pension :

In the case of persons retired retiring before attaining the age of 55 years from Defence Forces or other civil posts and re-employed in the State Government -

- (a) the existing limit of pension to be ignored while fixing pay on re-employment has been raised from Rs.500/- to Rs.1500/- per month with effect from 1.9.1996 vide FD Notification No. F.15(3)FD(Rules)/ 97 dated 21.3.1998.
- (b) full pension is ignorable as per clause (d) of Rule 152 of Rajasthan Civil Services (Pension) Rules, 1996 effective from 1.10.1996, in case of persons retiring from posts below Commissioned Officer's rank in Defence Forces and in case of other retired Government servants who held posts other than State Service posts at the time of retirement.

If re-employed persons want to avail themselves of the benefit as indicated at (a) and (b) above, the pay on re-employment would be determined afresh as if they have been re-employed for the first time on the date one wishes to avail the benefit of the above mentioned provisions.

6. Grant of Dearness Allowances and Interim Relief on net pay due to revision of pension (Consolidation) :

In the case of All India Service officers retired prior to 1.1.1996 and re-employed during the period from 1.1.1996 to 31.12.1996 and whose pay on re-employment was fixed on last pay minus non-ignorable pension. Dearness allowance and interim relief for the period from the date of re-employment to 31.12.1996 shall be admissible on net pay and not on the total of pay plus non-ignorable pension. since on account of revision of pension, dearness relief as on 1.1.1996 and first two instalments of interim relief have been merged in pension.

7. Fixation of pay on re-employment of Government servants who retired while drawing pay in the pre-revised pay scales but re-employed on or after 1.9.1996 in a prescribed pay scale.

In such cases for the purpose of fixation of pay on re-employment the pre-retirement pay shall be re-determined with reference to the method of fixation of pay laid down in Rule 11 of Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 and only thereafter pay shall be fixed in accordance with the provisions contained in the Chapter X of Rajasthan Civil Services (Pension) Rules, 1996. Pre-revised pay for this purpose shall mean pay last drawn -

- (a) Prior to 1.1.1996 in respect to re-employed AIS officers and Military personnel.
- (b) prior to 1.9.1996 in respect of re-employed State Government employees.

8. Revision of pay last drawn in cases of re-employment of Government servants on posts carrying no prescribed pay scale.

In cases where a retired Government servant has been re-employed on last pay drawn minus pension and there is no prescribed pay scale of the post on which he is re-employed, his last pay shall be revised by adding the following -

- 1. Last pay
- 2. D.A. admissible as per rates effective on 1.1.1996
- 3. First two instalments of Interim Relief ; and
- 4. 40% of basic pay

The total of above items shall be taken as revised pay from which the consolidated pension shall be deducted.

9. Payment of Allowances :

DA/ HRA/CCA shall be admissible on revised pay fixed before deducting the non ignorable part of the pension or on the maximum of the pay scale whichever is less, however, if the re-employment is not on a post carrying a pay scale the condition of maximum of pay scale shall not apply.

10. Non-admissible o Dearness Relief :

During the period of re-employment/ employment Dearness Relief on pension/ family pension shall not be admissible.

11. Impounding of arrear of Pay and Allowances in General Provident Fund :

The amount of arrear for the period from 1.1.1997 to 31.12.1997 accruing as a result of fixation of pay in the revised pay scale, if any, shall be credited to the respective General Provident Fund Account of the employees as per provisions contained in Finance Department Order No.F.2(1)FD(Rules)/97 dated 17.2.1998. In cases where the General Provident Fund Accounts are not existing, new accounts may be opened.

12. Recovery of over payment of salary, if any, on account of re-fixation of pay :

There may be cases in which as a result of fixation of pay in the revised pay scale and on account of consolidation/ revision of pension, some amount becomes recoverable from the re-employed pensioners, the same shall be recovered from the pay of subsequent months or arrear of pension or from monthly pension. In cases, where the due amount can not be recovered from pay, to the extent of this due, it shall be recovered from the arrear amount of pension and the balance amount only shall be deposited in the General Provident Fund accounts of the pensioner or paid instalments as per his option as given in Finance Department Memorandum No.F.15(2)FD(Rules)/98 dated March 21, 1998.

13. Non accrual of arrears :

Notwithstanding anything contained in this order no arrear of pay and allowances thereon, on any account, shall accrue to a re-employed Government servant during the period from 1.9.1996 to 31.12.1996."

1"(2) GOVERNMENT OF RAJASTHAN'S DECISIONS

The undersigned is directed to invite attention towards the provisions contained in FD Memorandum of even number dated 30.6.1998. It has been represented to the Government that most of the ex-serviceman could not get adequate benefit of revision of pay scale. This matter has been reconsidered in the light of hardship caused to them. The Governor is pleased to order that ex-serviceman below the rank of Commissioned Officer whose pay on re-employment in State Government service has been fixed on the basis of last pay minus non-ignorable pension may be refixed, at their option, on notional basis at the minimum of the pay scale of the post held w.e.f. 1.7.1986 or the date of appointment, whichever is later, and thereafter the pay may be arrived at on notional basis upto 31.8.96 including selection grades admissible, if any, or immediately before the date of option for Rajasthan Civil Services (Revised Pay Scales) Rules, 1998, whichever is later. The fixation of pay in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 may be made on the basis of notional pay so arrived at in accordance with the provisions contained in para 2(i)(II) of FD Memorandum of even number dated 30.6.1998. The employee whose pay is fixed in accordance with the provision of this order will be entitled to Dearness Relief on military pension w.e.f. 18.7.1997 or from the date of option, whichever is later.

1. Inserted vide FD Memorandum No.F.15(4)FD(Rules)/98 dated 20.9.2000.

The respective employee shall have an option to re-elect for fixation of pay in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 in accordance with the provisions contained in this Memorandum. The option will have to be exercised within six months from the date of issue of this order.

Rest of the provisions shall be applicable as is contained in the aforesaid Memorandum dated 30.6.1998."

153. Drawal of increments

Once the initial pay of re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time scale of the post to which he is appointed as if the pay has been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension is made) provided that the pay and gross pension taken together do not at any time exceed ¹"Rs.26,000" per month.

154. Personnel retiring on Invalid or Compensation pension

Persons who are re-employed after obtaining compensation or invalid pension will also be governed by these rules subject to the condition that if the re-employment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cease to draw any part of their pension and count their previous service. Pension intermediately drawn need not be refunded. In case the pensioners elect to count their previous service for pension by forgoing their entire pension including death/retirement gratuity, their pay would be fixed by treating them as if they are not in receipt of any pension.

NOTE

If a re-employed Government servant does not exercise the option provided under rule 154 above within three months from the date of his reemployment, it shall be presumed by the competent authority that the concerned re-employed Government servant has opted to retain his pension and for not counting his former service for future pension.

155. Promotion/Transfer

On regular promotion/transfer to another post, pay of the re-employed pensioner shall be fixed under the provisions of the Rajasthan Service Rules with reference to the pay in the previous re-employment post (before adjustment). Adjustment from the pay so fixed, on account of pension shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that pay plus pension shall not exceed ²"Rs.26,000" per month at any time.

156. Allowances

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on re-employment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension.

157. Special pay on re-employment

Special pay on re-employment should be based on the nature of the duties attached to the post on which re-employment is made. If the post on which re-employment is made carries a special pay and an officer normally appointed to the post would have been entitled to that special pay, the re-employed officers should also be considered eligible for the grant of special pay; otherwise not, subject to the condition that the total pay on re-employment and pension should not exceed ²"Rs.26,000" p.m.

1. The existing words and figures "Rs. 8000/-" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 20.5.1999 w.e.f. 1.10.1996.

2. The existing words and figures "Rs. 8000/-" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f. 1.10.1996.

158. Leave and leave salary

In the case of persons re-employed after retirement, the provisions contained in the Rajasthan Service Rules regarding leave and leave salary shall apply. [Also refer clarification No.3 at the end of this Chapter]

159. Gratuity, Death/Retirement Gratuity

Re-employed employees shall not be eligible for any gratuity, death/retirement gratuity for the period of re-employment except in those cases covered in Rules 18 and 19 of Rajasthan Civil Services (Pension) Rules, 1996.

160. Retrenched employees

In the case of those Government servants who are retrenched from service and are not granted pension and/or service gratuity, on their appointment to Government Service, they may be granted advance increments equal to the completed years of service rendered by them on a basic pay equal to or higher than the minimum of the scale attached to the post in which they are employed. The pay so arrived at should not, however, exceed the basic pay drawn by them in their previous employment. The provisions relating to grant of advance increments shall also be applicable in cases where only service gratuity in lieu of pension was paid, subject to the condition that the amount of service gratuity received by him is refunded to the Government in suitable instalments not exceeding thirty six.

161. Extra ordinary pension admissible during re-employment

Notwithstanding anything contained in the rules in this Chapter, a wound or other Extra ordinary pension sanctioned under Chapter VIII of the R.C.S (Pension) Rules, 1996, and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

NOTE

Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split in the following manner. The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the actual length of service rendered. The disability portion of the pension will be the balance.

162. Pensioner to declare amount of pension to the appointing authority

When a person who was formerly in the civil or military employment of any Government in India or other organisations mentioned in rule 149 (1) obtains re-employment, whether temporarily or permanently, in Government service or in the service of a Local Fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pension or salary as required by the rules of this Chapter and shall communicate a copy of the Order to the Director, Pension Department.

NOTES

1. The principle of this Rule applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i.e. it shall be inclusive of any amount that may have been commuted.

2. For the purposes of re-employment, a compassionate allowance is the equivalent of a compensation or invalid pension. The rules regarding re-employment of pensioners are, therefore, equally applicable to the case of persons in receipt of such allowance, and the recipient of a compassionate allowance if re-employed is in the same position in respect of his title to draw his allowance during re-employment as the re-employed recipient of a compensation or invalid pension.

163. Details to be called for from the Head of Office/Director, Pension Department

For the correct determination of pay, the competent authorities shall obtain the particulars of pay drawn on the date of retirement on which the pension was based and the post held by him immediately before retirement, from the Head of the Office who processed the pension case. In the particulars of the pay drawn, the basic pay, special pay and personal pay counted as emoluments shall be shown separately. The information relating to pension including commuted amount shall be collected from the Pension Payment Order. In the case of any doubt or non-availability of any data, the Director, Pension Department shall be referred to.

After getting the above information, the competent authority shall fix the pay of the re-employed Government servant under the provisions of these Rules.

164. Authority competent to fix the pay

Competent authorities to whom the powers of re-employing persons have been given will be competent to fix the pay of the retired employees re-employed under them in accordance these Rules provided that the post in which the employee is re-employed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will be referred to the Government in the Finance Department.

CLARIFICATIONS

(1) 'Pay fixed on re-employment' is the pay fixed before making any adjustment on account of non-ignorable amount of pension. The future increments are to be granted on the basis of pay so fixed.

(2) In terms of rule 156, pay for the purpose of grant of allowances shall be the pay fixed on re-employment before adjusting pension.

(3) During the period of leave, re-employed pensioners shall draw leave salary based on the pay drawn by them exclusive of the pension.

(4) In fixing the initial pay of the re-employed pensioner, the pension equivalent of gratuity shall not be deducted from the pay so fixed.

(5) In case of discharge/retirement of service personnel (below Officer rank), information regarding gross retirement benefits shall be obtained from the Records Office concerned and need not to be referred to the Controller of Defence Accounts (Pensions). The information furnished by the Records Office may be treated as authentic. It is, however, open to the competent authority to verify the information furnished by reference to the Pension Certificate issued to the individual.

(6) If after re-employment, a re-employed government servant has been granted pension or revised pension, the initial pay or pay from the date of effect of such sanction/revision, shall be refixed in accordance with the rules contained in this Chapter.

GOVERNMENT OF RAJASTHAN'S DECISIONS

(1) Dearness relief on pension is not payable during the period of re-employment - According to rule 77, the payment of relief on pension shall be suspended when a Government pensioner is (i) employed/re-employed in a Department/Office of the Central/State Government (ii) employed or re-employed or absorbed permanently in a Central Government or a State Government Company/Corporation/ Undertaking or Autonomous Body or in Nationalized Bank including Reserve Bank of India and the State Bank of India or in a 'Local Fund' as defined in clause (n) of sub rule (1) of Rule 3 of R.C.S (Pension) Rules, 1996, etc.

Accordingly, no relief on pension should be paid by the pension disbursing authority (including Treasuries, Public Sector Banks entrusted with pension payment work) to the employed/re-employed pensioner (including family pensioner either before or after of pension) during the period of his/her employment or re-employment. After the spell of employment/re-employment ceases, payment of relief will be revived by the same authority (without the intervention of Treasury/Director, Pension Department etc.) For this purpose, every pensioner (including family pensioner) is required to furnish half-yearly, in the months of May and November, a certificate in the prescribed form (see rule 140) about non re-employment, to the pension disbursing authority or facts about his/her status of being employed/re-employed. In the latter case, he/she must furnish particulars of the employment/re-employment, e.g. name of the Central/State Government Department/Office or of the Government Company or Corporation or of the Autonomous Body or a Local Fund, etc. as the case may be. The pensioner should intimate the fact of his taking up/having taken up re-employment to the pension disbursing authority, immediately on doing so without waiting for the month of May or November when the submission of half yearly certificate becomes due.

(2) Release of pension of retired Government servant re-employed in bodies other than Government Departments i.e. in Government undertakings, Companies and Corporations - A question has arisen as to how the payment of pension should be regulated in the case of re-employment of Government servants in Government undertakings, Companies and Corporations when the terms of re-employment have not been settled by the competent authority.

It has been decided that the pension of retired Government servants employed in Government Undertakings, Companies and Corporations may be released by the Director, Pension under intimation to the authority competent to sanction re-employment which may regulate the pay on re-employment suitably.

The fact of re-employment of a retired Government servant together with the terms of re-employment should invariably and promptly be reported by the organisation concerned to the Director, Pension Department.

¹**(3)** In accordance with the provisions of Rule 77 and GRD No.1 appearing below Rule 164 of Rajasthan Civil Services (Pension) Rules, 1996 and order No.F.1(36)FD(Gr.2)/87 dated 10.8.1998 in force prior to the date of introduction of aforesaid rules, the payment of Dearness Relief on pension/family pension remains suspended during the period of re-employment/employment and hence it is not payable.

1. Inserted vide FD Memorandum No.F.15(4)FD(Rules)/98 dated 28.12.1998.

It has been brought to the notice of the Government that some of the military pensioners are drawing Dearness Relief on pension during the period of re-employment/employment in contravention of the provisions of the aforesaid rules.

Accordingly all appointing authorities/drawing and disbursing officers are directed to ask the re-employed military pensioner to furnish a certificate of non-drawal of Dearness Relief on pension from the pension payment authorities of military/pension paying branch of the respective Banks. In case some of the military pensioner have actually drawn Dearness Relief on pension, they may be asked to refund the over payment drawn and to furnish a certificate of non-drawal of Dearness Relief on pension since appointment in the Government service.

All Drawing and Disbursing Officers shall be required to record a certificate in the salary bill of re-employed military personnel that the certificate of non drawal of Dearness Relief on pension have been obtained from the Pension Payment Officer/Paying Branch of the Bank. This certificate shall invariably be recorded by them in the salary bill for the month of January and June every year. It will be the duty of the respective Treasury Officer to ensure that the requisite certificate has been recorded by the concerned Drawing and Disbursing Officer in the salary bill before they are passed for payment."

¹"(4) In accordance with the provisions contained in Rule 77 and GRD No.1 appearing below Rule 164 of Rajasthan Civil Services (Pension) Rules, 1996 and Memorandum of even number dated 28.12.1998, the payment of Dearness Relief on pension remains suspended during the period of re-employment and hence it is not payable.

Now, the Government of India have allowed payment of Dearness Relief (D.R.) on pension w.e.f. 18.7.1997 to re-employed Central pensioners whose pay have been fixed at the minimum of the pay scale of the post in which they have been re-employed/ are re-employed.

Accordingly, in partial modification of the aforesaid rule/ order, the Governor is pleased to order that Central pensioners, except of group 'A' Officers and Commissioned Officers, who have been allowed minimum of the pay scale on their re-employment in the State Government, may be permitted to draw Dearness Relief on their pension from Government of India. The respective appointing authorities shall issue a certificate indicating the following :-

"The entire amount of pension sanctioned by the Government of India was ignored in fixation of initial pay on re-employment i.e., no part of pension was taken into account in fixation of pay in the pay scale of the post in which Central pensioner was re-employed. In other words, the initial pay on re-employment was fixed at the minimum of the pay scale of the post."

1. Inserted vide FD Memorandum No.F.15(4)FD(Rules)/98 dated 30.9.2000.

CHAPTER XI
MISCELLANEOUS

165. 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.

166. Power to relax

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

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

167. Power to delegate

Government may delegate to any of its officers subject to any conditions which it may think fit to impose, any power conferred upon or taken under these rules except the powers under rule 166 and 167.

168. Repeal and Saving

(1) On the commencement of these rules, every rule, regulation or order including any Notification, circular etc. (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 ceaser of operation -

- (a) (i) every nomination for the payment of death-cum-retirement gratuity, and
- (ii) every form regarding the details of family of a Government servant for the purpose of Family Pension.
- (b) any nomination for the payment of death-cum-retirement gratuity or any form regarding the details of family of a Government servant for the purpose of Family Pension, 1964, 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 authorisation 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 old rule as if these rules had not been made;
- (d) any case which pertains to the authorisation 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 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.

By order of the Governor,

DR. ADARSH KISHORE
Secretary to the Government.

APPENDIX 1
RAJASTHAN CIVIL SERVICES
(COMMUTATION OF PENSION) RULES, 1996

GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(Rules Division)
NOTIFICATION

No. F.1(6)FD(Rules)96

Jaipur, dated the 18th Sept., 1996.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor hereby makes the following rules, namely :-

CHAPTER 1

PRELIMINARY

1. Short title and commencement -

- (1) These rules may be called the Rajasthan Civil Services (Commutation of Pension) Rules, 1996.
- (2) They shall come into force with effect from 1.10.1996.

2. Application -

These rules shall apply to Government servants who may be entitled to or have been authorised any class of pension referred to in Chapter III of the Rajasthan Civil Services (Pension) Rules, 1996.

3. Definitions -

- (1) In these rules unless the context otherwise requires—
 - (a) “Director, Pension” means the Director, Pension and Pensioners Welfare Department Rajasthan, Jaipur.
 - (b) “applicant” means a Government servant, including a retired Government servant, who applies for commutation of fraction of pension in the prescribed form.
 - (c) “death retirement gratuity” means the gratuity payable under Rule 55 of Rajasthan Civil Services (Pension) Rules, 1996.
 - (d) “disbursing authority” means:-
 - (i) treasury including sub-treasury, or
 - (ii) Pension Payment Officer, or
 - (iii) branch of a nationalised bank,

from where the applicant is receiving pension authorised under the Pension Rules;

- (e) "Form" means a Form appended to these rules;
- (f) "Government" means the Government of Rajasthan.
- (g) "Head of Office" means a gazetted officer declared as such by a Head of Department under Rule 3 of General Financial & Accounts Rules.
- (h) "Medical authority" means medical authority referred to in rule 20.
- (i) "pension" means any class of pension referred to in Chapter III of Rajasthan Civil Services (Pension) Rules, 1996.
- (j) "Pension Rules" means the Rajasthan Civil Services (Pension) Rules, 1996.
- (k) "Table" means a table appended to these rules.

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Rajasthan Civil Services (Pension) Rules, 1996.

CHAPTER II

GENERAL CONDITIONS

4. Restriction on commutation of pension -

(1) No Government servant against whom departmental or judicial proceedings as referred to in Rule 7 of the Pension Rules, have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised under Rule 90 of the Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

(2) No Government servant who has been granted provisional pension pending determination of final pension shall be eligible to commute a fraction of his provisional pension.

5. Limit on commutation of pension -

(1) A Government servant shall be entitled to commute for a lump sum payment a fraction not exceeding one-third of his pension.

(2) In an application for commutation in Form 1 or Form 2, as the case may be, an applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.

GOVERNMENT OF RAJASTHAN'S DECISIONS

(1) Permissible limit of commutation when part of pension is withheld:-

Under the Commutation Rules, a pensioner can commute one-third of the pension that has been granted under the rules. When a part of pension is withheld or withdrawn under Rule 6 of R.C.S.(Pension) Rules, 1996 the residual amount is the amount that has been granted under the rules from the date of withholding or withdrawal of a part of the pension. As such, if commutation is applied for after this date, the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after that date. Commutation rules do not state that the commutable amount is to be calculated with reference to the pension originally granted to the person.

(2) Commutation on invalid pension allowed only on original amount before enhancement:-

According to clause (c) of sub-rule (2) of Rule 54 of R.C.S. (Pension) Rules, the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (i) of Rule 62 *ibid*. It is clarified that where the amount of invalid pension calculated with reference to the qualifying service and the average emoluments is less than the family pension determined under sub-rule(i) of Rule 62, the invalid pension should be enhanced to the level of family pension. For the purpose of commutation of pension, the amount of original invalid pension will only be taken into account.

¹**(3) Commutation shall be allowed on the minimum pension of Rs.1275/- if the actual pension is less than Rs.1275/-."**

1. The existing "GRD No. 3" substituted vide FD Notification No.F.15(4)FD(Rules)/97 dated 27.7.1998 w.e.f. 1.10.1996. The provisions regarding non accrual of arrear and mode of payment of arrear as contained in para 5 and 6 respectively of Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 shall also be applicable in the cases covered under this notification.

"(3) Commutation shall be allowed on the minimum pension of Rs.300 if the actual pension is less than Rs.300/-."

6. Commutation of pension to become absolute -

(1) The commutation of pension shall become absolute in the case of an applicant referred to—

- (i) in sub-rule (1) of rule 12 on the date on which the application in Form 1 is received by the Head of Office;
- (ii) in chapter IV on the date on which the medical authority signs the medical report in Part III of Form 4;
- (iii) In sub-rule (3) of rule 12, on the date following the date of his retirement.

Provided that—

- (a) in the case of an applicant who is drawing his pension from a treasury, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Director Pension for the payment of commuted value of pension, whichever is earlier, and
 - (b) in the case of an applicant who is drawing pension from a branch of a nationalised bank, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is credited by the bank to the applicant's account to which pension is being credited.
 - (c) in the case of an applicant governed by sub-rule (3) of Rule 12 in whose case the commuted value of pension becomes payable on the day following the date of his retirement, the reduction in the amount of pension on account of commutation shall be operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement, the reduction in the amount of pension on account of commutation shall be operative in accordance with proviso (a) or (b), as the case may be.
- (2) In the case of an applicant referred to in Rule 9, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the Proviso to sub-rule (1).
- (3) The date on which the payment of the commuted value of pension was made to the applicant or the commuted value was credited to the applicant's account shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the Director Pension who authorised the payment of commuted value of pension.

7. Nominations -

(1) An applicant shall make a nomination in Form 5 along with the application referred to in Rule 12 or Rule 17, as the case may be, conferring on one or more persons the right to receive the commuted value of pension in case the applicant dies without receiving the commuted value on or after the date on which commutation became absolute.

(2) If there is no such nomination, or if the nomination made does not subsist, the commuted value shall be paid to the family in the manner indicated in sub-rule (1) (b) of Rule 56 of the Pension Rules.

(3) If in any case the commuted value cannot be paid in the manner indicated in sub-rules (1) and (2), the same shall be paid to his heirs.

8. Calculation of commuted value of pension -

The lump sum payable to an applicant shall be calculated in accordance with the Table of the values prescribed from time to time and applicable to the applicant on the date on which the commutation becomes absolute.

9. Retrospective revision of final pension -

An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the payment of difference the applicant shall not be required to apply afresh.

CHAPTER III

COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

10. Scope -

The provisions of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

11. Eligibility -

An applicant who is authorised—

- (i) a superannuation pension under Rule 30 of the Pension Rules; or
- (ii) a retiring pension under Rule 32 of the Pension Rules, or
- (iii) a pension on absorption in or under a corporation or company or body in terms of Rule 33 of Pension Rules and who elects to receive monthly pension and death cum retirement gratuity; or
- (iv) a compensation pension on abolition of permanent post under Rule 38 of the Pension Rules; or
- (v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in Rule 7 of the pension Rules and issue of final orders thereon, shall, subject to the limit in Rule 5, be eligible to commute a fraction of his pension without medical examination:

Provided that he applies for commutation of pension in Form 1 in accordance with the provisions of Rule 12.

12. Application for commutation of pension -

(1) An applicant, who is in receipt of any pension referred to in Rule 11 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall—

- (a) apply to the Head of Office in Form 1, after the date of his retirement;
- (b) ensure that the application in Form 1, duly completed, is delivered to the Head of Office as early as possible but not later than one year of the date of his retirement:

Provided that in the case of an applicant—

- (a) referred to in clause (iii) of Rule 11, where order retiring him from Government service had been issued from a retrospective date, the period of one year referred to in this Sub-rule shall reckon from the date of issue of the retirement orders;
- (b) referred to in clause (v) of Rule 11, the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.

(2) An applicant who applies for commutation of pension within one year of the date of his retirement but his application in Form 1 is received by the Head of Office after one year of the date of his retirement, shall not be eligible to get his pension commuted, without medical examination. Such an applicant, if he desires to commute a fraction of his pension, shall apply afresh in Form 2 in accordance with the procedure laid down in Chapter IV.

(3) A Government servant who is due to retire on superannuation and desires payment of the commuted value of pension being authorised at the time of issue of the pension payment order, shall be eligible to apply for commutation of a fraction of pension along with pension papers prior to the date of retirement provided that—

- (a) the Government servant retires on superannuation pension only;
- (b) the application is submitted to the Head of Office in Form 1 along with pension papers so as to reach the Head of Office before the date of superannuation; and
- (c) the Government shall have no liability for the payment of the commuted value of pension if the Government servant dies before the date of superannuation or forfeits claim to pension before such retirement.

13. Action to be taken by the Head of Office on application for commutation of pension -

(1) The Head of Office on receipt of application in Form 1 under sub-rule (1) and sub-rule (3) of Rule 12 shall—

- (a) initial the Form indicating the date of its receipt;
- (b) immediately the receipt of Form 1 in Part II of that Form and despatch the same to the applicant;
- (c) take immediate action to complete Part III of Form 1 and forward the same to the Director Pension after retaining one copy for his record.

(2) In case application in Form 1 is received by the Head of Office under sub-rule (1) of Rule 12 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant that—

- (a) he shall not be eligible to commute a fraction of pension without medical examination;
- (b) if he desires to get a fraction of the pension commuted, he should apply afresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter IV.

14. Authorisation of commuted value by the Director Pension -

(1) The Director Pension on receipt of Form 1 from the Head of Office shall verify that—

- (a) information furnished by the Head of Office in Part III of Form 1 is correct;
- (b) the applicant is eligible to commute a fraction of his pension without medical examination;
- (c) the commuted value of pension has been determined correctly by the Head of Office.

(2) The Director Pension after necessary verification of the information furnished in Form 1 shall—

- (a) issue authority for the payment of commuted value of pension to the disbursing authority concerned;
- (b) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) of Rule 6 so that the disbursing authority may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension;

- (c) endorse to the applicant a copy of the authority referred to in clause (a) with the instruction that he should collect the commuted value of pension from the disbursing authority.
- (3) (a) The Director Pension on receipt of Form 1 in respect of Government servants who apply for commutation while in service under Rule 12 (3) from the Head of Office, shall ascertain and verify if the amount of superannuation pension of the applicant has been calculated and if not, take steps to finalize the amount of pension so that the pension payment order is issued before one month of the date of retirement of the applicant.
- (b) (i) The Director, Pension after necessary verification of the information furnished in Form-1 shall—
 - ¹"(A) issue payment authority, superscribing" not payable before the..... (following the date of retirement) to the pensioner."
 - (B) indicate in both the halves of the Pension Payment Order (1) the gross pension; (2) the amount of pension commuted; and (3) the fact that the commuted value of pension has been authorised separately through the disbursing authority.
 - (C) correspondingly reduce the monthly pension from its inception;
 - (D) make a note of payment of the commuted value of pension having been made to the retiring Government servant in his Service Book; and
- (ii) The Director, Pension shall intimate to the applicant the date on which the Pension Payment Order has been despatched to the disbursing authority.

1. The existing item "(A)" again substituted vide FD Notification No.F.15(4)FD(Rules)/97 dated 31.7.2001.
 #"(A) issue payment authority, superscribing 'payable on the date of retirement of the pensioner'."

The existing item "(A)" substituted vide FD Notification No.F.15(4)FD(Rules)/97 dated 23/27.3.1999.
 "(A) issue payment authority, superscribed Not payable before the.....(date following the date of retirement) to the pensioner;"

CHAPTER IV

COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

15. Scope -

The provisions of this Chapter shall apply to an applicant who is eligible to commute fraction of his pension after medical examination.

16. Eligibility -

An applicant who—

- (i) retires on invalid pension under Rule 35 of the Pension Rules; or
- (ii) on absorption in or under a corporation or company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lump sum in lieu of pension in terms of Rule 34 of the Pension Rules; or
- (iii) is compulsorily retired from service as penalty and is granted pension under Rule 42 of the Pension Rules; or
- (iv) is in receipt of compassionate allowance under Rule 43 of the Pension Rules; or
- (v) has retired from service on one of the pensions referred to in Rule 11 but his application for commutation has not been received by the Head of Office within one year of his retirement, shall be eligible to commute a fraction of his pension subject to the limit specified in Rule 5 after he has been declared fit by the appropriate medical authority.

17. Application for commutation of pension -

An applicant referred to in Rule 16 shall apply to the Head of Office in Form 2 for commutation of a fraction of his pension.

18. Action to be taken by the Head of Office on application for commutation of pension -

- (1) The Head of office on receipt of application in part I of Form 2 under Rule 17 shall—
 - (a) acknowledge immediately the receipt of Form 2 in Part II of that Form and despatch the same to the applicant;
 - (b) forward Form 2 in original to the Director, Pension in Part III of that Form with the request that Part IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.
- (2) The Director, Pension on receipt of Form 2 from the Head of Office under sub-rule (1) shall complete part IV of that form and transmit the same to the Head of Office as early as possible.

- (3) The Head of office on receipt of Form 2 from the Director, Pension Department under sub rule(2) shall address in Form 3 the Superintendent of Government hospital/Chief Medical Officer as the case may be where the applicant desires to be medically examined and forward to him the following documents:-
- (i) Form 2 with Part IV of that Form duly completed in original;
 - (ii) two copies of the applicant's photograph of which one shall be an attested copy;
 - (iii) a copy of Form 4 with a spare copy of Part III of that Form;
 - (iv) report or statement of the applicant's case if he has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.
- (4) A copy of letter in Form 3 addressed to Superintendent of Government Hospital/Chief Medical & Health Officer as the case may be shall be endorsed to the applicant and the Director Pension Department by the Head of Office.

19. Action to be taken by the Superintendent of a Government Hospital/Chief Medical & Health officer -

- (1) The superintendent of a Government Hospital/Chief Medical & Health Officer on receipt of documents referred to in sub-rule (3) of rule 18 shall——
- (a) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the applicant in Form 2;
 - (b) transmit the documents referred to in sub-rule(3) of rule 18 to the medical authority with the direction to examine the applicant as provided in rule 23;
 - (c) inform the applicant as to where and when he should appear for medical examination or if necessary direct the medical authority to communicate to the applicant the date and time of such examination.
- (2) In fixing the date of medical examination, it shall be ensured that the medical examination is held, as far as possible, before the date of applicant's next birthday.

20. Medical Authority -

- (1) Save as otherwise provided in sub rule (2), the medical authority shall be a medical Board, where an applicant for commutation of pension :-
- (a) seeks commutation of invalid pension, or
 - (b) has been refused commutation on medical grounds or if he having once declined to accept commutation on the basis of addition of years to his actual age recommended by the medical authority, applied for a second medical examination in accordance with the provisions of rule 24.
- (2) In any other cases not covered by sub-rule (1) the medical authority shall be a medical officer not lower in status than that of a Civil Surgeon or Chief Medical Officer.

21. Fee for medical examination to be borne by the applicant -

The applicant shall be required to pay for medical examination such fee as may be specified by the Government.

22. Failure to appear before medical authority.-

- (1) If the applicant after receipt of communication from the Superintendent of a Government Hospital or Chief Medical & Health Officer or the medical authority referred to in clause (b) of sub-rule (1) of rule 19 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change thereon either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Head of Office concerned and return to him the documents on expiry of a period of a fortnight.
- (2) With the return of documents to the Head of Office under sub-rule (1) the application for commutation shall be treated as having been withdrawn.

23. Procedure for Medical Examination -

- (1) The medical authority shall—
 - (a) obtain from the applicant a statement in Part I of Form 4, duly signed by the applicant in its presence;
 - (b) subject the applicant to medical examination and enter the result thereof in Part II of Form 4;
 - (c) attest the unattested copy of the photograph of the applicant;
 - (d) complete the certificate contained in Part III of Form 4;

Provided that where —

- (i) an applicant has been granted invalid pension, or
 - (ii) an applicant has previously commuted a part of his pension, or
 - (iii) an applicant has been refused commutation on medical grounds, or
 - (iv) an applicant had declined to accept the commutation on the basis of addition of years to his actual age,the medical authority shall, before completing the certificate contained in Part III of Form 4, take into consideration the statement of the medical case of the applicant.
- (2) After complying with the requirements of sub-rule (1), the medical authority shall without delay forward to the Director, Pension who has already completed Part IV of Form 2, the following documents, namely:—
 - (a) Form 2 in original,
 - (b) attested copy of the applicant's photograph,
 - (c) Form 4 in original, and
 - (d) a certified copy of Form 4 to the Head of Office who has countersigned Part IV of Form 2.
- (3) The medical authority shall also send to the applicant a certified copy of Part III of Form 4.

24. Second Medical Examination -

- (1) Subject to the provisions of Rule 25, the medical examination in the case of an applicant referred to in clause(c) of sub-rule(1) of Rule 20 shall take place after the expiry of a period of not less than one year from the date of the first medical examination.
- (2) If the applicant desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with the request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter-
 - (i) the medical authority which examined him earlier, and the date on which such examination took place,
 - (ii) the place where he was examined,
 - (iii) the opinion of the medical authority,
 - (iv) the date of birth and the date of retirement,
 - (v) designation of the post held at the time of retirement,
 - (vi) the amount of pension authorised,
 - (vii) the fraction of pension which was originally applied for commutation.
- (3) The Head of Office on receipt of letter under sub-rule (2) shall address the Superintendent of a Government Hospital/Chief Medical & Health Officer for arranging reexamination of the applicant by a Medical Board and forward the following documents to such authority:-
 - (i) letter in original received from the applicant,
 - (ii) the certified copy of Form 4 received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 23
- (4) The Superintendent of a Government Hospital/Chief Medical & Health Officer on receipt of the communication from the Head of Office under sub-rule (3) shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.
- (5) The applicant after the receipt of communication under sub-rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.
- (6) The Medical Board shall examine the applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant. The documents received by the Medical Board under sub-rule (3) shall also be returned to the Head of Office.
- (7) If as a result of the opinion of the Medical Board received by the Head of Office under sub-rule (6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion. The Head of Office thereafter shall request the "Director, Pension Department" to take further action for the authorisation of the commuted value and forward the following documents to him:-

- (i) letter in original received from the applicant under sub-rule (2),
 - (ii) the opinion of the Medical Board received under sub-rule (6) in original,
 - (iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.
- (8) The "Director, Pension Department" on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

25. Appeal against the findings of medical authority -

- (1) Notwithstanding anything contained in Rule 24 an applicant referred to in clause (b) of sub-rule (1) of Rule 20 shall be eligible for second medical examination before the expiry of the period specified in sub rule (1) of Rule 24 if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgment. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 4, from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-rule (2) at his own expenses. He shall also indicate in the letter-
- (i) the medical authority which had examined him earlier and the date on which the examination took place,
 - (ii) the place where he was examined,
 - (iii) the opinion of the medical authority,
 - (iv) the date of birth and the date of retirement,
 - (v) designation of the post held at the time of retirement,
 - (vi) the amount of pension authorised,
 - (vii) the fraction of pension which was originally applied for commutation.
- (2) In case an applicant referred to in sub-rule (1)-
- (i) was examined previously by a Medical Officer, not lower in status than Civil Surgeon or a District Medical Officer, he shall be reexamined by a Medical Board, or
 - (ii) was previously examined by a Medical Board, he shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.
- (3) The Head of Office shall, within one month of the receipt of letter under sub-rule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Superintendent of the Government Hospital/C.M. & H.O., where the applicant was examined previously. He shall, while addressing the Superintendent of the Government Hospital/C.M. & H.O., invite his attention to the provisions of sub-rule (2) and forward to it the following documents:-
- (i) letter received from the applicant in original,
 - (ii) certified copy of Form 4 received earlier by the Head of Office from the Medical authority under clause (d) of sub-rule(2) of Rule 23.

- (4) The Superintendent of Govt. Hospital/CM & HO on receipt of communication from the Head of Office under sub-rule (3) shall arrange for the second medical examination of the applicant by a Medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The Superintendent of Govt. Hospital, Chief Medical & Health Officer shall, thereafter, inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.
- (5) The applicant on receipt of the communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.
- (6) The Medical Board shall examine the applicant and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant and the findings of the Medical Board shall be binding on the applicant.
- (7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the finding of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.
- (8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

26. Withdrawal of application -

- (1) The applicant may after giving notice in writing, to the Head of the Office, withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.
- (2) In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may, :-
 - (a) by giving notice in writing to the Head of Office withdraw his application within fourteen days from the date on which he receives the certified copy of part III of Form 4 and endorse a copy of notice to the Director, Pension, or
 - (b) request the Head of Office within the period specified in clause (a) under intimation to the Director, Pension that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.
- (3) Where a request for withdrawal has not been made by the applicant within the time specified in clause (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the Director, Pension Department shall take action to authorise the payment of commuted value of pension.

- (4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-rule (2), the Director, Pension Department shall authorise the payment of commuted value of pension with reference to the reduced amount.
- (5) If the applicant is informed by the Director, Pension Department under rule 27 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the Director, Pension Department and the applicant shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he receives intimation of such modification.

27. Modification in the value specified in the Table -

- (1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (ii) of sub-rule (1) of rule 6, the payment shall be made in accordance with the value so modified.
- (2) Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Director, Pension Department shall,
 - (a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 26, and
 - (b) endorse to the Head of Office a copy of the communication issued under clause (a).

28. Authorisation of payment of commuted value by the Director, Pension Department -

- (1) Subject to the provisions of sub-rule (2) and sub-rule (3) of rule 26, the Director, Pension Department on receipt of the documents referred to in sub-rule (2) of rule 23, from the medical authority, shall without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents, namely:-
 - (i) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute,
 - (ii) the amount of residuary pension,
 - (iii) Form 4 in original,
 - (iv) copy of the applicant's photograph as attested by the medical authority.
- (2) The Director, Pension Department shall also,
 - (a) bring to the notice of disbursing authority the provisions of the proviso to sub-rule (1) of rule 6 regarding the date on which the amount of original pension should be reduced ;
 - (b) endorse to the applicant a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and
 - (c) bring to the notice of the applicant the provisions of the proviso to sub-rule (1) of rule 6.

CHAPTER V

29. Restoration of Commutation of Pension -

- (1) A pensioner who retired from Government service and commuted a part of his pension subject to a maximum of 1/3rd of his original pension under Commutation of Pension Rules, and on the date of promulgation of these rules or thereafter has completed or will complete 14 years from the respective dates of commutation, the commuted portion shall be restored from the first of the month following the month in which the period of 14 years has elapsed from the date of such commutation and shall be allowed full pension which he would have drawn but for commutation of a portion of pension. The restored portion of pension shall not be permitted to be commuted again.
- (2) In cases where period of 14 years of commutation is already over before the date of promulgation of these rules, the commuted portion shall be restored from the date of promulgation of these rules.
- (3) Government employees who got themselves absorbed under Public Sector Undertaking/ Autonomous Bodies & have received or opted to receive payment of lump sum amount under Rule 34 of Pension Rules, shall not be entitled to the benefits of sub rule (1) as they cease to be Government Pensioners.
- ¹(4) The concerned Treasury Officer/Pension Payment Officer shall indicate the date of restoration of commuted pension as per provisions contained in sub rule (1) at the time of commutation of pension in the both halves of Pension Payment Order in the following format :-

"The amount of pension of Rs. _____ commuted on _____ shall be restored from the first of the month following the month in which the period of 14 years will elapse i.e. on _____ provided that the pensioner himself is alive on that date."

1. The existing sub-rule (4) alongwith Form No. 6 substituted vide FD Notification No.F.15(4)FD(Rules)/97 dated 2.8.2005.

- (4)
 - (i) An applicant who is eligible for restoration of commutation of Pension under sub-rule (1) shall apply to the concerned Treasury Officer/Pension Payment Officer in Form No.6.
 - (ii) On receipt of an application for restoration of commutation of pension from the pensioner, the Treasury Officer/Pension Payment Officer shall ask for the 'disburser's half' from the concerned Bank/Sub treasury, in cases where the pensioner draws his pension from Public Sector Bank/Sub Treasury and shall examine it and authorise full pension as a result of restoration of commuted-value of pension and record the same on both halves of Pension Payment Order under his seal and dated signature. The both halves of Pension Payment Order will be sent to concerned Bank/Sub-Treasury for disbursement.
 - (iii) The Treasury Officer/Pension Payment Officer will inform the Director of Pension about the restoration of commuted portion of pension for the purpose of verification and updating the records in the Directorate of Pension."

CHAPTER - VI

MISCELLANEOUS

30. 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.

31. 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 reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions, as it may consider necessary for dealing with the case in a just and equitable manner:

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

32. Repeal and savings -

- (1) On the commencement of these rules, every rule, regulation contained in RCS (Commutation of Pension) Rules 1981 as amended from time to time or order including Office Memoranda (herein after 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 ceaser of operation-
 - (a) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of old rules as if these rules had not been made; and
 - (b) subject to the provisions of clause (a), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provision of these rules.

By order of the Governor,

DR. ADARSH KISHORE
Secretary to the Government.

FORM-1

See Rule 5 (2), 6(1), 11, 12, 13, and 14

Form of application for Commutation of a fraction of Pension without medical examination.

(To be submitted in duplicate before/after retirement but within one years of the date of retirement)

PART-I

To,

The.....
.....
.....

(Here indicate the designation and full address of the Head of Office)

Sub: Commutation of pension without Medical Examination.

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996. This application is being submitted before/after my retirement. The necessary particulars are furnished below:-

1. Name (in Block letters).
2. Father's name (also husband's name in the case of a female Government servant).
3. Designation at the time of retirement/ at the time of submission of application while in service.
4. Name of Office/Department in which employed.
5. Date of birth (by Christian era)
6. Date of retirement/on which to retire.
7. Class of pension on which retired/ on which to retire.
8. *fraction of pension proposed to be commuted.

* The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one third thereof) which he desires to commute and not the amount in rupees.

9. No. and date of the Pension Payment Order, if issued (Not applicable when application is made before retirement).
10. ** Disbursing authority for payment of Pension
 - (a) Treasury/Sub-Treasury(Name and complete address of the Treasury/Sub-Treasury to be indicated).
 - (b)
 - (i) Branch of the Nationalised Bank with complete postal address,
 - (ii) Bank Account No. to which monthly pension is being credited each month.
 - (c) Pension Payment Officer.

Signature
Postal Address.

Place
Date

Note: The Payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn, it is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.

PART-II

ACKNOWLEDGEMENT

Received from Shri.....
(Name) (Designation)

application in part I of Form 1 for the commutation of a fraction of pension without medical examination.

Place
Date

Signature
Head of Office

Note: This acknowledgement is to be signed, stamped and dated and is to be detached from the form and handed over to the applicant, if the form has been received by the post, it has to be acknowledged on the same date and the acknowledgement send under registered cover.

** Score out which is not applicable.

PART-III

Forwarded to the Director, Pension Department, Rajasthan, Jaipur with the remarks that :-

- (i) the particulars furnished by the applicant in part I have been verified and are correct;
- (ii) the applicant is eligible to get a fraction of his pension commuted without medical examination;
- (iii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs..... .
- (iv) the amount of residuary pension after commutation will be Rs.....

2. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken as in rule 14 of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996.

3. The receipt of Part I of the Form has been acknowledged in part II which has been forwarded separately to the applicant on..... .

Signature
Head of Office

Place:
Date :

FORM-2

See rules 5(2),12(2),13(2),17,18(1),(2)and(3),19(1)and 22(2)

Form of Application for Commutation of Pension after Medical Examination by An Applicant referred to in Rule 16 of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996.

(To be submitted in duplicate)

PART I

Space for photograph

To,

The..... (Here indicate the designation
..... and full address of the Head
..... of Office)

Sub: Commutation of pension after Medical Examination.

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996. An attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below :-

1. Name (in Block letters)
2. Father's name (and also husband's name in the case of a female Government servant).
3. Designation.
4. Name of Office/Department in which employed.
5. Date of birth (by Christian era).
6. Date of retirement.
7. Class of pension on which retired (see Chapter III) of the Rajasthan Civil Service (Pension) Rules, 1996.
8. Amount of pension authorised.
9. *Fraction of pension proposed to be commuted.
10. No. and date of the Pension Payment Order.
11. ** Disbursing authority for payment of pension
 - (a) Treasury /Sub-Treasury (Name and complete address of the Treasury /Sub-Treasury to be indicated).

PART-III

Forwarded to the Director, Pension Department, Rajasthan, Jaipur with the remarks that the particulars furnished by the applicant in part I have been verified and are correct and the applicant is eligible to get a fraction of his pension commuted after medical examination.

2. It is requested that part IV of the Form may be completed and returned to this Office as early as possible.

Place

Signature.....

Date

Head of Office

PART-IV

(To be completed by the Director, Pension Department)

1. Name of the applicant.
2. Date of birth (by Christian era).
3. Date Of retirement.
4. Amount of pension.
5. Class of pension (see Chapter III of the Rajasthan Civil Services (Pension) Rules, 1996)
6. Amount of Pension desired to be commuted.

On the basis of

Normal age	Added	Years
Rs.	1 Yr. Rs.	2 Yrs. Rs.

7. (i) Sum payable if commutation becomes absolute *before* the applicant's next birth day, which falls on.....
- (ii) Sum payable if commutation becomes absolute *after* the applicant's next birth day which falls on.....
8. The Head of Account to which the commuted value is debitable.
9. number of enclosures, if any (see note below).

Note:- The Director, Pension Department Rajasthan, Jaipur should enclose with the Form a copy of the report or statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation on medical grounds.

Signature of the Director,
Pension Department, Rajasthan, Jaipur.

Place

Date

Countersigned

(Head of Office)

Full Address.

FORM-3

(See rule 20(3) and (4) and 23(5))

**Form of Letter to the Superintendent of a Government Hospital/
Chief Medical & Health Officer.**

No.
Government of Rajasthan
.....(Department)
Dated the

To,

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

Sub:- Medical Examination-Commutation of Pension

Sir,

Shri.....who retired from service on.....as
(Designation) has applied for commuting a fraction of his pension for a lump sum payment.
The following documents are forwarded herewith:-

- (a) Application in Form 2 in original together with:-
 - (i) An unattested copy of the applicant's photograph,
 - (ii) Part IV of Form 2 in original duly completed by the Director, Pension Department Rajasthan, Jaipur.
- (b) A copy of Form 4 with a spare copy of Part III of that Form.
- (c) Report of the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. In terms of rule 20 of the Rajasthan Civil Service (Commutation of Pension) Rules, 1996 Shri..... should be examined by a Medical Board/Medical Officer not lower than the rank of Civil Surgeon or a Chief Medical Officer. It is requested that arrangement may be made to get Shri..... examined as expeditiously as possible before his next birth day which falls on.....

3. It is requested that arrangements for medical examination by the medical authority indicated in para 2 above may be made at the nearest available station mentioned by Shri..... in his application in Form 2. The attention of the Medical authority may be drawn to the provisions of rule 23 of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996.

4. It is requested that Shri..... may be informed direct under intimation to this Department/Office as to where and when he should appear before the appropriate authority for medical examination. A Copy of this letter is being endorsed to him so that he may comply with your instructions on hearing from you.

5. The receipt of this letter may please be acknowledged.

Yours faithfully,

(Head of Office)

Copy forwarded to Shri..(here give complete postal address) with the remarks that subject to the medical authority recommending commutation, he will on the basis of the report of the Director, Pension Department, Rajasthan, Jaipur, be eligible for the lumpsum payment in lieu of the amount of pension to be commuted as follows:-

On the basis of

Normal age	Added		Years
	1 Yr.	2 Yrs.	
Rs.	Rs.	Rs.	

- (i) Sum payable if commutation becomes absolute before the applicant's next birthday which falls on.. ..
- (ii) Sum payable if commutation becomes absolute after applicant's next birth day which falls on.....

The Table of the present value, on the basis of which the calculation by the "Director, Pension Department", Rajasthan, Jaipur has been made, is subject to alteration at any time without notice and consequently the basis are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birth day next after the date on which the commutation becomes absolute or if the medical authority directs that years will be added to that age, to the consequent assumed age.

Shri..should report for medical examination to the medical authority direct on hearing from..... He should take with him the enclosed Form 4 with the particulars required in Part I completed except the signature or thumb or finger impressions.

Place

Signature

Date

Head of Office

Copy forwarded to the Director, Pension Department, Rajasthan, Jaipur with reference to his letter number.....dated.....

Signature

Head of Office

FORM-4

See Rule 6(1), 18(3), 23(1), (2) and (3), 24(3), 26(2) & 28(1)

Medical Examination by the

(here enter the medical authority)

PART-I

The applicant must complete this statement prior to his examination by the..... and must sign the declaration

(here enter the medical authority)

appended thereto in the presence of that authority.

1. Name of the applicant (in Block letters).
2. Date of birth (by Christian era).
3. Place of birth.
4. Particulars regarding parents, brothers and sisters:-

Father's age If living & state of health	Father's age at death and cause of death	Number of brothers living, their ages & state of health	Number of brothers dead, their ages at death & cause of death
1	2	3	4

Mother's age If living & state of health	Mother's age at death and cause of death	Number of sisters living, their ages & state of health	Number of sisters dead, their ages at death & cause of death
5	6	7	8

5. Have you ever been examined,
 - (a) for Life Insurance, or/and
 - (b) by any Government Medical Officer or Medical Board.
6. Have you been granted or considered for grant of invalid pension ? If so, state the ground thereof.

7. Have you ever been granted leave on medical certificate during the last five years ? If so, state periods of leave and nature of illness.
8. Have you ever-
 - (a) Had small-pox, intermittent or any other fever, enlargement on suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism appendicitis, epilepsy, insanity, or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhoea; or
 - (b) had any other disease or injury which required confinement to bed, or
 - (c) undergone any surgical operation, or
 - (d) suffered from any illness, wound or injury sustained while on active service.
 - (e) Presence of albumen or sugar in urine
9. Present state of health
 - (a) Have you a hernia?
 - (b) Have you varicocele, varicose vein or piles?
 - (c) Is your vision in each eye good (with or without glasses)?
 - (d) Is your hearing in each ear good ?
 - (e) Have you any congenital or acquired malformation, defect or deformity ?
 - (f) Have you lost or gained weight markedly during the last three years?
 - (g) Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken ?

Declaration by applicant

(To be signed in the presence of the medical authority)

I declare all the above answers to be, to the best of my belief, true and correct.

I am fully aware that by wilfully making a false statement or concealing a relevant fact, I shall incur the risk of losing the commutation. I have applied for and of having my pension withheld or withdrawn under rule 6 of the Rajasthan Civil Service (Pension) Rules, 1996.

Applicant's signature or thumb
impression in case of illiterate applicant.

Signed in presence of.....and designation of medical authority.

PART-II

(To be filled in by the examining medical authority)

1. Apparent age
2. Height
3. Weight
4. Describe any scars or identifying marks of the applicant.
5. Pulse rate.
 - (a) sitting
 - (b) standingWhat is the character of pulse ?
6. Blood Pressure-
 - (a) Systolic
 - (b) Diastolic
7. Is there any evidence of disease of the main organs ?
 - (a) Heart
 - (b) Lungs
 - (c) Liver
 - (d) Spleen
 - (e) Kidney
8. Investigations-
 - (i) Urine
(State specific gravity)
 - (ii) Blood
 - (iii) X-ray Chest
 - (iv) E.C.G.
9. Has the applicant a hernia ?
If so, state the kind and if reducible.
10. Any additional finding.

PART-III

I/We have carefully examined Shri/Smt./Kumari and am/are of opinion that-
He/She is in good bodily health and has the prospect of an average duration of life.

OR

He/She is not in good bodily health and is not a fit subject for commutation.

OR

Although he/she is suffering from..... he/she is considered a fit subject for commutation but his/her age for the purpose of commutation i.e. the age next birth day should be taken to be..(in words) years more than his/ her actual age.

Station:

Signature and designation of

Date:

examining medical authority.

FORM 5

(See Rule 7)

To,

Head Of Office
(Place)

I,.....hereby
(Name of the pensioner in capital letters)

nominate the person named below, under Rule 7 of the Rajasthan Civil Services
(Commutation of Pension) Rules, 1996

Name and address of the nominee	Relationship with the pensioner	If nominee is minor	
		Date of birth	Name and address of person who may receive the said commuted value during the nominee's minority
1	2	3	4

Name and address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the commuted value of pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
5	6	7	8	9

Place

Date

Witness: Signature:

Name & Address :

Signature (or thumb-impression
if illiterate) and name of Pensioner.

Address :

Signature of Head of Office

STAMP

Acknowledgement to be sent by the Head of Office

Certified that the nomination has been received from.....
..... (Name of Pensioner) whose address is

Place :

Date:

Signature of Head of Office

FORM NO. 6

APPLICATION FOR RESTORATION OF COMMUTATION OF PENSION

(See Rule 29)

(to be submitted by Pensioner to PPO/TO)

To

The Pension Payment Officer/T.O.

Subject:- Restoration of Commutation of Pension.

Sir,

I apply for restoration of commuted value of pension on completion of 14 year from the date of commutation as required by Rule 29 of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996. The required particulars are given below:-

1. (i) Name of pensioner with father's name.
- (ii) Present address.
2. Name of Department & Post last held.
3. Date of retirement and class of pension on which retired.
4. (i) Age on the date of retirement.
- (ii) Date of commutation.
- (iii) Date from which restoration is required.
5. P.P.O.No.
(Pensioners portion of P.P.O. enclosed in original).
6. Original amount of pension sanctioned.
7. Amount of pension commuted.
8. Name of Treasury/Sub. Treasury/Bank from which the pension is being drawn.

I Certify that the particulars given above are correct.

Yours faithfully,

Signature.....

(Name.....)

P.P.O.No.....

Date.....

Note : Form No. 6 substituted vide FD Notification No.F.15(4)FD(Rules)/97 dated 02.08.2005 (Reference Rule 29(4)).

TABLE

See rules 8,24 (7), 26(5) and 27(1) and (2)

Commutation values, for a pension of Re.1 per annum.

Age next birth day.	Commutation value expressed as number of years purchase.	Age next birth day.	Commutation value expressed as number of years purchase.
1	2	1	2
17	19.28	52	12.66
18	19.20	53	12.35
19	19.11	54	12.05
20	19.01	55	11.73
21	18.91	56	11.42
22	18.81	57	11.10
23	18.70	58	10.78
24	18.59	59	10.46
25	18.47	60	10.13
26	18.34	61	9.81
27	18.21	62	9.48
28	18.07	63	9.15
29	17.93	64	8.82
30	17.78	65	8.50
31	17.62	66	8.17
32	17.46	67	7.85
33	17.29	68	7.53
34	17.11	69	7.22
35	16.92	70	6.91
36	16.72	71	6.60
37	16.52	72	6.30
38	16.31	73	6.01
39	16.09	74	5.72
40	15.87	75	5.44
41	15.64	76	5.17
42	15.40	77	4.90
43	15.15	78	4.65
44	14.90	79	4.40
45	14.64	80	4.17
46	14.37	81	3.94
47	14.10	82	3.72
48	13.82	83	3.52
49	13.54	84	3.32
50	13.25	85	3.13
51	12.95		

APPENDIX II

THE RAJASTHAN PENSIONS ACT, 1958.

(Act No. 27 of 1958)

(Received the assent of the Governor on the 22nd day of May, 1958.) An Act to consolidate and amend the law relating to State pensions and grants of money made or payable by the State Government. BE it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows : -

1. **Short title, extent and commencement.-**

- (1) This Act may be called the Rajasthan Pension Act, 1958.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. **Definitions.-**

In this Act, unless the subject or context otherwise requires,—

- (i) "grant of money" includes any amount payable on the part of the State Government in respect of any right, privilege, perquisite or office, but does not include a cash jagir to which the Rajasthan Cash Jagirs Abolition Act, 1958, applies;
- (ii) "State" or "State of Rajasthan" means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Control Act, 37 of 1956).

3. **Bar of suits relating to pensions and grants. -**

No civil court shall, except as hereinafter provided, entertain any suit relating to any pension or grant of money conferred or made by the State Government or by any of its predecessor Governments, whatever may have been the consideration for such pension or grant and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

4. **Claims to be made to Collector or other authorised officer.-**

Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the district or other officer authorised in this behalf by the State Government; and such Collector or other officer shall dispose of such claim in accordance with such rules as the State Government may from time to time prescribe in this behalf.

5. **When civil court competent to take cognizance of such claims.-**

A civil court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from the Collector of the district, or other officer authorised in that behalf by the State Government, to the effect that the case may be so tried but shall not make any order or decree in any suit whatever, by which the liability of the State Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

6. **Mode of payment.-**

All State pensions or grants of money shall be paid by the Collector or other officer authorised by the State Government in this behalf, subject to such rules as may, from time to time be made by the State Government.

7. Commutation of pensions and grants.-

The State Government may, with the consent of the holder, order the whole or any part of his pension or grant of money to be commuted for a lump sum on such terms as may deem fit.

8. Exemption of pension from attachment.-

No pension granted or continued by the State Government on political considerations or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any court in the State at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such court.

9. Assignments etc. in anticipation of pension to be void.-

All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension or allowance mentioned in section 8 in respect of any money not payable at or before the making thereof on account of such pension or allowance, or for giving or assigning any future interest therein are null and void.

***[9-A. Recovery of established Government dues from out of pension -**

Notwithstanding anything contained in sections 8 and 9, the amounts of all established Government dues outstanding at the date of his retirement from Government service, if any, against a person in receipt of any pension or grant of money or allowance or entitled to receive a lump sum in lieu thereof under section 7 shall be charged upon such pension, grant, allowance or lump sum, as the case may be, and the State Government shall be competent to recover therefrom the amounts of such dues without having recourse to any legal action in respect thereof.

Explanation-The expression "Government dues" includes.—

- (i) arrears of any Central or State tax deductible under the law at source from out of the pay of a Government servant while in service,
- (ii) over-issues of pay, allowances or leave salary to a Government officer in respect of any period of his service before retirement,
- (iii) accumulated arrears of rent in respect of house accommodation provided by Government to a Government servant during any period of his service and dues on account of any repair carried on, alteration or addition made, service rendered or amenity provided to such house accommodation, and
- (iv) balance of any advance granted to the Government servant during the period of his service, remaining unpaid at the date of his retirement, together with interest, if any, chargeable thereon.]

10. Reward to informers.-

Whoever proves to the satisfaction of the State Government that any State pension or grant of money is fraudulently or unduly received by the person enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension or grant for a period of six months.

* Inserted vide section 2 of Rajasthan Act No. 31 of 1960, published in Rajasthan Gazette, Part IV-A Extraordinary, Dated 24.09.1960.

11. Power to make rules.-

(1) The State Government may, from time to time, make rules consistent with this Act respecting all or any of the following matters, namely : —

- (a) The places and times at which, and the persons to whom, any State pension or grant of money shall be paid;
- (b) inquiries into the identity of claimants;
- (c) records to be kept on the subject of State pensions and grants of money;
- (d) transmission of such records;
- (e) correction of such records;
- (f) delivery of certificates to pensioners and grantees of money;
- (g) registers of such certificates;
- (h) reference to the civil court under section 5 of persons claiming a right of succession to, or participation in, State pensions or grants of money made or payable by the State Government; and
- (i) generally for the guidance of officers under this Act and for carrying out the purposes thereof.

(2) All such rules shall be published in the official Gazette and shall thereupon have the force of law.

APPENDIX-III

GRANT OF DEARNESS RELIEF TO STATE GOVERNMENT PENSIONERS.

(I) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No. F.1(25) FD(Gr.2)/93 dated 1-11-1995 to State Government Pensioners who are in receipt of superannuation, retiring, invalid and compensation pension shall be revised with effect from 1-1-1996 as follows: -

Pension per month	Revised Rates of Dearness Relief per month.
(i) Not exceeding Rs.1750/-	148% of pension.
(ii) Exceeding Rs.1750/- but not exceeding Rs.3000/-	111% of pension subject to a minimum of Rs.2590/-
(iii) Exceeding Rs.3000/-	96% of pension subject to a minimum of Rs.3330/-

2. The term 'pension' for the aforesaid purpose shall mean:-

- (a) in respect of employees retired/retiring on or after 1-9-1986, the original pension (inclusive of commuted portion of pension);
- (b) in respect of employees who retired on or after 31-3-1986 but prior to 1-9-1986, original pension/revised pension (inclusive of commuted portion of pension) plus increase in pension admissible thereon in terms of Finance Department Order No. F.1(44)FD(Gr.2)/82, dated 1-4-1986;
- (c) in respect of employees who retired prior to 31-3-1986, 'Consolidated pension' as defined in paragraph 7 of Finance Department Order No. F.1(47)FD(Gr.2)/88, dated 2-12-1989;
- (d) in respect of pensioners getting minimum pension / family pension, the minimum pension/family pension i. e. Rs. 300/- per month.

3. The amount of Dearness Relief involving fraction of a rupee shall be rounded off to the next higher rupee.

4. A ready reckoner showing the dearness relief payable from 1-1-1996 onwards in terms of these orders is enclosed.

5. Provisions contained in this Department Memorandum No. F.1(36)FD(Gr.2)/87, dated 10-8-1988 and 23-12-1992 will remain unchanged.

6. This order shall also apply to following categories of Pensioners-

- (i) Pensioners in receipt of family pension under Chapter XXIII, XXIII A and Extraordinary pension under Chapter XXIV of the Rajasthan Service Rules.

* Inserted vide F.D.Order No. F.1(25)FD(Gr.2)/93 dated 7.5.1996.

- (ii) Pensioners who were employees of the former State of Ajmer, Bombay & Madhya Bharat and opted for pension rules applicable to them immediately before 1-11-1956 in terms of Rule 11 of the Rajasthan Service (Protection of service conditions) Rules, 1957 and are in receipt of superannuation, retiring, invalid, compensation, injury and family pension under the aforesaid rules.
- (iii) Pensioners who are in receipt of pension sanctioned under the Ajmer Abolition of Intermediaries and Land Reforms (Pension to Intermediaries Employees) Rules, 1962.
- (iv) Jagir Pensioners who are drawing pension under Section 28 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 read with Revenue Department Order No. F.4(361)Revenue/A/54, dated 31-3-1955 and Rule 10 of the Rajasthan Land Reforms and Jagirs Resumption (Absorption of Jagir Employees) Rules, 1954.

7. This order shall also apply to the widows getting ex-gratia payment in accordance with the provisions contained in Finance Department order No. F.1(35)FD(Gr.2)/87, dated 2-7-1991 and 2-7-1992.

8. This order shall not be applicable to the Old Age Pensions, Political Pensions or any other kind of similar pensions which are not related to the service rendered under Government.

9. Dearness Relief at revised rates as above would also be admissible to Pensioners who retired from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.

READY RECKONER

Amount of 'Dearness Relief' sanctioned to Pensioner's with effect from 1-1-1996 vide Government Order No.F.1(25)FD(Gr.2)/93 dated 7th May, 1996.

PART-I

(Applicable where pension is upto Rs. 1750/- Dearness Relief 148% of pension)

Amount of Dearness relief on Pension in multiple of rupees hundred		Amount of Dearness relief on Pension in fraction of rupees hundred			
Amount of Pension	Amount of Dearness Relief	Amount of pension in fraction of rupees hundred	Amount of Dearness Relief	Amount of pension in fraction of rupees hundred	Amount of Dearness Relief
1	2	3	4	5	6
300	444	1	2	21	32
400	592	2	3	22	33
500	740	3	5	23	35
600	888	4	6	24	36
700	1036	5	8	25	37
800	1184	6	9	26	39
900	1332	7	11	27	40
1000	1480	8	12	28	42
1100	1628	9	14	29	43
1200	1776	10	15	30	45
1300	1924	11	17	31	46
1400	2072	12	18	32	48
1500	2220	13	20	33	49
1600	2368	14	21	34	51
1700	2516	15	23	35	52
		16	24	36	54
		17	26	37	55
		18	27	38	57
		19	29	39	58
		20	30	40	60

1	2	3	4	5	6
		41	61	70	104
		42	63	71	106
		43	64	72	107
		44	66	73	109
		45	67	74	110
		46	69	75	111
		47	70	76	113
		48	72	77	114
		49	73	78	116
		50	74	79	117
		51	76	80	119
		52	77	81	120
		53	79	82	122
				83	123
		54	80	84	125
		55	82	85	126
		56	83	86	128
		57	85	87	129
		58	86	88	131
		59	88	89	132
		60	89	90	134
		61	91	91	135
		62	92	92	137
		63	94	93	138
		64	95	94	140
		65	97	95	141
		66	98	96	143
		67	100	97	144
		68	101	98	146
		69	103	99	147

PART-II

(Applicable where pension is upto Rs. 1751/- to 3000/- Dearness Relief 111% of pension)

Amount of pension inclusive of a fraction of rupees hundred	Amount of Dearness Relief	Amount of Dearness relief on Pension in fraction of rupees hundred			
		Amount of pension in fraction of rupees hundred	Amount of Dearness Relief	Amount of pension in fraction of rupees hundred	Amount of Dearness Relief
1	2	3	4	5	6
1751-2333	2590	1	2	27	30
2334	2591	2	3	28	32
2335	2592	3	4	29	33
2336	2593	4	5	30	34
2337	2595	5	6	31	35
2338	2596	6	7	32	36
2339	2597	7	8	33	37
2340	2598	8	9	34	38
2341	2599	9	10	35	39
2342	2600	10	12	36	40
2343	2601	11	13	37	42
2344	2602	12	14	38	43
2345	2603	13	15	39	44
2346	2605	14	16	40	45
2347	2606	15	17	41	46
2348	2607	16	18	42	47
2349	2608	17	19	43	48
2350	2609	18	20	44	49
2351	2610	19	22	45	50
2352	2611	20	23	46	52
2353	2612	21	24	47	53
2354	2613	22	25	48	54
2355	2615	23	26	49	55
2356	2616	24	27	50	56
2357	2617	25	28	51	57
2358	2618	26	29	52	58

1	2	3	4	5	6
2359	2619	53	59	77	86
2360	2620	54	60	78	87
2361	2621	55	62	79	88
2362	2622	56	63	80	89
2363	2623	57	64	81	90
2364	2625	58	65	82	92
2365	2626	59	66	83	93
2366	2627	60	67	84	94
2367	2628	61	68	85	95
2368	2629	62	69	86	96
2369	2630	63	70	87	97
2370	2631	64	72	88	98
2371	2632	65	73	89	99
2372	2633	66	74	90	100
2373	2635	67	75	91	102
2374	2636	68	76	92	103
2375	2637	69	77	93	104
2376	2638	70	78	94	105
2377	2639	71	79	95	106
2378	2640	72	80	96	107
2379	2641	73	82	97	108
2380	2642	74	83	98	109
2381	2643	75	84	99	110
2382	2645	76	85		
2383	2646				
2384	2647				
2385	2648				
2386	2649				
2387	2650				
2388	2651				
2389	2652				
2390	2653				
2391	2655				
2392	2656				
2393	2657				
2394	2658				

1	2	3	4	5	6
2395	2659				
2396	2660				
2397	2661				
2398	2662				
2399	2663				
Amount of Dearness Relief on Pension in multiple of rupees hundred					
Amount of pension	Amount of Dearness Relief				
2400	2664				
2500	2775				
2600	2886				
2700	2997				
2800	3108				
2900	3219				
3000	3330				

PART-III

(Applicable where pension exceeding Rs. 3000/- Dearness Relief 96% of pension)

Amount of pension inclusive of a fraction of rupees hundred	Amount of Dearness Relief	Amount of Dearness relief on Pension in fraction of rupees hundred			
		Amount of pension in fraction of rupees hundred	Amount of Dearness Relief	Amount of pension in fraction of rupees hundred	Amount of Dearness Relief
1	2	3	4	5	6
3001-3468	3330	1	1	27	26
3469	3331	2	2	28	27
3470	3332	3	3	29	28
3471	3333	4	4	30	29
3472	3334	5	5	31	30
3473	3335	6	6	32	31
3474-3475	3336	7	7	33	32
3476	3337	8	8	34	33
3477	3338	9	9	35	34
3478	3339	10	10	36	35
3479	3340	11	11	37	36
3480	3341	12	12	38	37
3481	3342	13	13	39	38
3482	3343	14	14	40	39
3483	3344	15	15	41	40
3484	3345	16	16	42	41
3485	3346	17	17	43	42
3486	3347	18	18	44	43
3487	3348	19	19	45	44
3488	3349	20	20	46	45
3489	3350	21	21	47	46
3490	3351	22	22	48	47
3491	3352	23	23	49	48
3492	3353	24	24	50	48
3493	3354	25	24	51	49
3494	3355	26	25	52	50

1	2	3	4	5	6
3495	3356	53	51	77	74
3496	3357	54	52	78	75
3497	3358	55	53	79	76
3498	3359	56	54	80	77
3499	3360	57	55	81	78
Amount of Dearness		58	56	82	79
Relief on Pension		59	57	83	80
in multiple		60	58	84	81
of rupees		61	59	85	82
hundred		62	60	86	83
Amount of	Amount of	63	61	87	84
pension	Dearness	64	62	88	85
	Relief	65	63	89	86
		66	64	90	87
3500	3360	67	65	91	88
3600	3456	68	66	92	89
3700	3552	69	67	93	90
3800	3648	70	68	94	91
		71	69	95	92
		72	70	96	93
		73	71	97	94
		74	72	98	95
		75	72	99	96
		76	73		

Note : Where the amount of pension includes a fraction of rupees hundred, the amount of dearness relief applicable thereto may be arrived at by adding the amount of dearness relief on pension in multiple of rupees hundred and the amount of dearness relief on the fraction of rupees hundred.

(II) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No. F.1(25) FD(Gr.2)/93 dated 7-5-1996 to State Government Pensioners who are in receipt of superannuation, retiring, invalid and compensation pension shall be revised with effect from 1-7-1996 as follows: -

	Pension per month	Revised Rates of Dearness Relief per month
(i)	Not exceeding Rs.1750/-	159% of pension.
(ii)	Exceeding Rs.1750/- but not exceeding Rs.3000/-	119% of pension subject to a minimum of Rs.2783/-.
(iii)	Exceeding. Rs.3000/-	103% of pension subject to a minimum of Rs.3570/-.

2. The term 'pension' for the aforesaid purpose shall mean:-

- (a) in respect of employees retired/retiring on or after 1-9-1986, the original pension (inclusive of commuted portion of pension);
- (b) in respect of employees who retired on or after 31-3-1986 but prior to 1-9-1986, original pension/revised pension (inclusive of commuted portion of pension) plus increase in pension admissible thereon in terms of Finance Department Order No. F.1(44)FD(Gr.2)/82, dated 1-4-1986;
- (c) in respect of employees who retired prior to 31-3-1986, 'Consolidated pension' as defined in paragraph 7 of Finance Department Order No. F.1(47)FD(Gr.2)/88, dated 2-12-1989;
- (d) in respect of pensioners getting minimum pension / family pension, the minimum pension/family pension i. e. Rs. 300/- per month.

3. The amount of Dearness Relief involving fraction of a rupee shall be rounded off to the next higher rupee.

4. A ready reckoner showing the dearness relief payable from 1-7-1996 onwards in terms of these orders is enclosed.

5. Provisions contained in this Department Memorandum No. F.1(36)FD(Gr.2)/87, dated 10-8-1988 and 23-12-1992 will remain unchanged.

6. This order shall also apply to following categories of pensioners-

- (i) Pensioners in receipt of family pension under Chapter XXIII, XXIII A and Extraordinary pension under Chapter XXIV of the Rajasthan Service Rules.
- (ii) Pensioners who were employees of the former State of Ajmer, Bombay & Madhya Bharat and opted for pension rules applicable to them immediately before 1-11-1956 in terms of Rule 11 of the Rajasthan Service (Protection of service conditions) Rules, 1957 and are in receipt of superannuation, retiring, invalid, compensation, injury and family pension under the aforesaid rules.
- (iii) Pensioners who are in receipt of pension sanctioned under the Ajmer Abolition of Intermediaries and Land Reforms (Pension to Intermediaries Employees) Rules, 1962.

* Inserted vide F.D.Order No. F.1(25)FD(Gr.2)/93 dated 25.10.1996.

- (iv) Jagir Pensioners who are drawing pension under Section 28 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 read with Revenue Department Order No. F.4(361)Revenue/A/54, dated 31-3-1955 and Rule 10 of the Rajasthan Land Reforms and Jagirs Resumption (Absorption of Jagir Employees) Rules, 1954.

7. This order shall also apply to the widows getting ex-gratia payment in accordance with the provisions contained in Finance Department order No. F.1(35)FD(Gr.2)/87, dated 2-7-1991 and 2-7-1992.

8. This order shall also be applicable to the pensioner/ family pensioner who are in receipt of provisional pension.

9. This order shall not be applicable to the Old Age Pensions, Political Pensions or any other kind of similar pensions which are not related to the service rendered under Government.

10. Dearness Relief at revised rates as above would also be admissible to Pensioners who retired from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur."

(III) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No. F.1(25) FD(Gr.2)/93 dated 25-10-1996 to State Government Pensioners who are in receipt of superannuation, retiring, invalid and compensation pension shall be revised with effect from 1-1-1997 as follows: -

	Pension per month	Revised Rates of Dearness Relief per month
(i)	Not exceeding Rs.1750/-	170% of pension.
(ii)	Exceeding Rs.1750/- but not exceeding Rs.3000/-	128% of pension subject to a minimum of Rs.2975/-.
(iii)	Exceeding. Rs.3000/-	110% of pension subject to a minimum of Rs.3840/-.

2. The term 'pension' for the aforesaid purpose shall mean:-

- (a) in respect of employees retired/retiring on or after 1-9-1986, the original pension (inclusive of commuted portion of pension);
 - (b) in respect of employees who retired on or after 31-3-1986 but prior to 1-9-1986, original pension/revised pension (inclusive of commuted portion of pension) plus increase in pension admissible thereon in terms of Finance Department Order No. F.1(44)FD(Gr.2)/82, dated 1-4-1986;
 - (c) in respect of employees who retired prior to 31-3-1986, 'Consolidated pension' as defined in paragraph 7 of Finance Department Order No. F.1(47)FD(Gr.2)/88, dated 2-12-1989;
 - (d) in respect of pensioners getting minimum pension / family pension, the minimum pension/family pension i. e. Rs. 300/- per month.
3. The amount of Dearness Relief involving fraction of a rupee shall be rounded off to the next higher rupee.
 4. A ready reckoner showing the dearness relief payable from 1-1-1997 onwards in terms of these orders is enclosed.
 5. Provisions contained in this Department Memorandum No. F.1(36)FD(Gr.2)/87, dated 10-8-1988 and 23-12-1992 will remain unchanged.
 6. This order shall also apply to following categories of pensioners-
 - (i) Pensioners in receipt of family pension under Chapter XXIII, XXIII A and Extraordinary pension under Chapter XXIV of the Rajasthan Service Rules.
 - (ii) Pensioners who were employees of the former State of Ajmer, Bombay & Madhya Bharat and opted for pension rules applicable to them immediately before 1-11-1956 in terms of Rule 11 of the Rajasthan Service (Protection of service conditions) Rules, 1957 and are in receipt of superannuation, retiring, invalid, compensation, injury and family pension under the aforesaid rules.
 - (iii) Pensioners who are in receipt of pension sanctioned under the Ajmer Abolition of Intermediaries and Land Reforms (Pension to Intermediaries Employees) Rules, 1962.

* Inserted vide F.D.Order No. F.1(25)FD(Rules)/93 dated 1.5.1997.

- (iv) Jagir Pensioners who are drawing pension under Section 28 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 read with Revenue Department Order No. F.4(361)Revenue/A/54, dated 31-3-1955 and Rule 10 of the Rajasthan Land Reforms and Jagirs Resumption (Absorption of Jagir Employees) Rules, 1954.
7. This order shall also apply to the widows getting ex-gratia payment in accordance with the provisions contained in Finance Department order No. F.1(35)FD(Gr.2)/87, dated 2-7-1991 and 2-7-1992.
 8. This order shall also be applicable to the pensioner/ family pensioner who are in receipt of provisional pension.
 9. This order shall not be applicable to the Old Age Pensions, Political Pensions or any other kind of similar pensions which are not related to the service rendered under Government.
 10. Dearness Relief at revised rates as above would also be admissible to Pensioners who retired from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.”

(IV) *The Governor is pleased to order that the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation pension, family pension or extra ordinary pension etc. shall be paid Dearness Relief to compensate them for rise in cost of living beyond average CPI 1510 at the uniform rate as indicated below: -

Period	Rate of D.R. per month
From 1.1.1997 to 30.6.1997	8% of Pension/ Family Pension
From 1.7.1997 onwards	13% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1-1-1997 to 30.6.1997 and from 1.7.1997 onwards in terms of these orders is enclosed.
- (vi) This department order No.F.1(25)FD(Rules)/93 dated 25.10.1996 and 1.5.1997 sanctioning Dearness Relief to pensioners w.e.f. 1.7.1996 and 1.1.1997 are hereby superseded with effect from 1.1.1997. Payment on account of dearness relief made to pensioners/family pensioners in terms of these orders from 1.1.1997 will be adjusted against the dearness relief payable to them under the revised rates in terms of this order.
- (vii) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (viii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (ix) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit Department or Director, Pension Department, Rajasthan, Jaipur.

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 21.3.1998.

- (x) In the case of Government servant drawing pay in the UGC Pay scale and who retired / retire from service on or after 1.9.1996, the pension/ family pension for the purpose of calculating dearness relief at aforesaid rates, will include the amount of dearness relief sanctioned with effect from 1.1.1996 plus first two instalment of interim relief.

Instructions for Pension Disbursing Authorities :

No payment of arrears on account of dearness relief from 1.1.1997 and 1.7.1997 as per this order should be made to pre-1.9.1996 pensioners/ family pensioners as the arrears in their case are to be paid with reference to the statement attached to this department Memorandum No. F.15(2)FD(Rules)/98 dated 21.3.1998. After the payment of arrears, future dearness relief may be paid to the pre-1.9.1996 pensioners/ family pensioners on the basis of this order.

In case of Government servant who have retired / died while in service during the period 1.1.1997 to 31.12.1997, the mode of payment of arrear on account of the aforesaid revision in the rates of dearness relief shall be the same as that of arrear of pension/ commutation/ gratuity as indicated in Finance Department Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998.”

(V) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No.F.15(1)FD(Rules)/98 dated 21.3.1998 to State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family pension and extra ordinary pension etc. shall be revised with effect from 1.1.1998 as follows: -

Date from which payable	Rate of D.R. per month
1.1.1998	16% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1-1-1998 onwards in terms of these orders is enclosed.
- (vi) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (viii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (ix) In the case of Government servant drawing pay in the UGC Pay scale and who retired / retire from service on or after 1.9.1996, the pension/ family pension for the purpose of calculating dearness relief at aforesaid rates, will include the amount of dearness relief sanctioned with effect from 1.1.1996 plus first two instalment of interim relief.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 16.5.1998.

(VI) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No.F.15(1)FD(Rules)/98 dated 16.5.1998 to State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family pension and extra ordinary pension etc. shall be revised with effect from 1.7.1998 as follows: -

Date from which payable	Rate of D.R. per month
1.7.1998	22% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1-7-1998 onwards in terms of these orders is enclosed.
- (vi) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (viii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (ix) In the case of Government servant drawing pay in the UGC Pay scale and who retired / retire from service on or after 1.9.1996, the pension/ family pension for the purpose of calculating dearness relief at aforesaid rates, will include the amount of dearness relief sanctioned with effect from 1.1.1996 plus first two instalment of interim relief.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 17.10.1998.

(VII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No.F.15(1)FD(Rules)/98 dated 17.10.1998 to State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family pension and extra ordinary pension etc. shall be revised with effect from 1.1.1999 as follows: -

Date from which payable	Rate of D.R. per month
1.1.1999	32% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1.1.1999 onwards in terms of these orders is enclosed.
- (vi) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (viii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (ix) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 15.5.1999.

(VIII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No.F.15(1)FD(Rules)/98 dated 15.05.1999 to State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family pension and extra ordinary pension etc. shall be revised with effect from 1.7.1999 as follows: -

Date from which payable	Rate of D.R. per month
1.7.1999	37% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1.7.1999 onwards in terms of these orders is enclosed.
- (vi) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (viii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (ix) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 6.7.2000.

(IX) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No.F.15(1)FD(Rules)/98 dated 6.7.2000 to State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family pension and extra ordinary pension etc. shall be revised with effect from 1.1.2000 as follows: -

Date from which payable	Rate of D.R. per month
1.1.2000	38% of Pension/ Family Pension

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) A ready reckoner showing the dearness relief payable from 1.1.2000 onwards in terms of these orders is enclosed.
- (vi) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vii) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (viii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (ix) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 7.7.2000.

(X) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 7.7.2000 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 38% to 41% with effect from 1.7.2000.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 27.4.2001.

(XI) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 27.4.2001 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 41% to 43% with effect from 1.1.2001.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 13.11.2001.

(XII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 13.11.2001 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 43% to 45% with effect from 1.7.2001.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 30.8.2002.

(XIII) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 30.8.2002 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 45% to 49% with effect from 1.1.2002.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 4.2.2003.

(XIV) ¹"The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 4 February, 2003 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 49% to 52% w.e.f. 1.7.2003.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale."

²"The rates of Dearness Relief to the State Government Pensioner who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. was revised from 49% to 52% w.e.f. 1.7.2003 vide orders of even number dated 4.2.2003.

In partial modification of aforesaid order, the Governor is pleased to order that the rates of dearness relief revised from 49% to 52% w.e.f. 1.7.2003 shall be revised w.e.f. 1.7.2002 instead of 1.7.2003."

1 Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 4.2.2003.

2 Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 22.7.2003.

(XV) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 04.02.2003 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised from 52% to 55% with effect from 1.1.2003.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 6.10.2003.

(XVI) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 6th October, 2003 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised, in respect of instalment of Dearness Relief due from 1.7.2003, from 55% to 59% and it shall be payable in cash w.e.f. 1.3.2004.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.

Orders for payment of arrear for the period from 1.7.2003 to 28.2.2004 shall be issued separately in due course.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 6.10.2003.

(XVII) *”The revision of rate of Dearness Pension from 55% to 59% w.e.f. 1.7.2003 was sanctioned to the State Government Pensioners vide Finance Department Order of even number dated 6.10.2003. The cash payment of increase in dearness relief of aforesaid instalment has been allowed w.e.f. 1.3.2004 and in last para of the aforesaid order it was mentioned that order for payment of arrear for the period from 1.7.2003 to 29.2.2004 shall be issued separately in due course.

Accordingly, the matter has been considered and the Governor is pleased to order that the arrear of revision of aforesaid instalment of dearness relief for the period from 1.7.2003 to 29.2.2004 may be paid in cash to the State Government Pensioners.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 25.03.2004.

(XVIII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order of even number dated 6th October, 2003 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension etc. shall be revised, in respect of instalment of Dearness Relief due from 1.1.2004, from 59% to 61% and it shall be payable in cash w.e.f. 1.7.2004 (pension of June, 2004). The arrear of the revision of this instalment of Dearness Relief for the period from 1.1.2004 to 31.5.2004 shall be payable in cash to the State Government Pensioners after 1.6.2004.

For the purpose of these orders –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998.
- (ii) In the case of pensioners who retire from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.
- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 24.05.2004.

(XIX) *”The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department order of even number dated 24.05.2004 to the State Government pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension shall be revised w.e.f. 1.7.2004, as under:

- (1) Out of existing 61% Dearness Relief sanctioned vide order of even number dated 24.05.2004 50% Dearness Relief has been treated as Dearness Pension and rest 11% Dearness Relief is to be allowed on Pension/Family Pension as per this department order No. F6(3)FD(Rules)/2004 dated 24.5.2004. In case of Government servants retired/retiring on or after 1.7.2004, 11% Dearness Relief is to be calculated on the basis of two thirds of Basic Pension as per example given in para 3 of this department order No. F13(2)FD/Rules/2004 dated 25.9.2004.
- (2) Dearness Relief @ 3% shall be allowed w.e.f. 1.7.2004 on the total of Pension / Family Pension and Dearness Pension.
- (3) The Dearness Relief instalment of 3% shall be payable with monthly pension w.e.f. 1.1.2005 (pension for December, 2004). This instalment of Dearness Relief, for the period from 1.7.2004 to 30.11.2004, shall be payable to the State Government pensioners as arrear after 1.4.2005.

For the purpose of this order: –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998. It shall not include Dearness Relief shown as Dearness Pension.
- (ii) In the case pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998 and it shall not include Dearness Relief shown as Dearness Pension.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 14.10.2004.

- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”
- (XX) **1“Grant of Dearness Relief on pension to retired All India Service Officer belonging to the cadre of this State.**

The provisions regarding payment of Dearness Relief on pension to retired All India Service Officers belonging to State Cadre are applicable as issued by the Government of India from time to time.

It has been brought to the notice of the State Government by some retired All India Service Officers belonging to the Rajasthan cadre that payment of instalments of Dearness Relief to them is not made by various Banks even after orders to that effect have been issued by the Government of India.

Accordingly, it is clarified that as and when orders for revision of rates of Dearness Relief on pension are issued by Government of India for Central Government pensioners, the payment of the revised Dearness Relief to pensioners of Rajasthan Cadre belonging to All India Service may be made without awaiting further orders of the State Government.”

(XXI) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department order of even number dated 14.10.2004 to the State Government pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension shall be revised w.e.f. 1.1.2005, as under:

- (1) Out of existing 61% Dearness Relief sanctioned vide order of even number dated 24.05.2004, 50% Dearness Relief has been treated as Dearness Pension and rest 11% Dearness Relief is to be allowed on Pension/Family Pension as per this department order No. F6(3)FD(Rules)/2004 dated 24.5.2004. In case of Government servants retired/retiring on or after 1.7.2004, 11% Dearness Relief is to be calculated on the basis of two thirds of Basic Pension as per example given in para 3 of this department order No. F13(2)FD/Rules/2004 dated 25.9.2004.
- (2) Dearness Relief @ 3% indicated in item (2) of this department order No.F.15(1)FD(Rules)/98 dated 14.10.2004 shall be revised to 6% w.e.f. 1.1.2005 and it shall be admissible on the total of Pension / Family Pension and Dearness Pension.

For the purpose of this order: –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998. It shall not include Dearness Relief shown as Dearness Pension.
- (ii) In the case pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998 and it shall not include Dearness Relief shown as Dearness Pension.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.

* Inserted vide F.D.Order No. F.15(1)FD(Rules)/98 dated 19.04.2005.

- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale.”

(XXII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department order No. F.15(1)FD(Rules)/98 dated 19.04.2005 to the State Government pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension shall be revised w.e.f. 1.7.2005, as under:-

- (1) Out of existing 61% Dearness Relief sanctioned vide order No. F.15(1)FD(Rules)/98 dated 24.05.2004, 50% Dearness Relief has been treated as Dearness Pension and rest 11% Dearness Relief is to be allowed on Pension/Family Pension only (not on Dearness Pension) as per this department order No. F6(3)FD(Rules)/2004 dated 24.5.2004. In case of Government servants retired/retiring on or after 1.7.2004, 11% Dearness Relief is to be calculated on the basis of two thirds of Basic Pension as per example given in para 3 of this department order No. F13(2)FD/Rules/2004 dated 25.9.2004.
- (2) Dearness Relief @ 6% as indicated in item (2) of this department order No.F.15(1)FD(Rules)/98 dated 19.04.2005 is payable on both Pension / Family Pension and Dearness Pension.
- (3) Now, the Dearness Relief payable on both Basic Pension / Family Pension and Dearness Pension is increased by 4%, that is, from 6% to 10% with effect from 01.07.2005.

For the purpose of this order –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998. It shall not include Dearness Relief shown as Dearness Pension.
- (ii) In the case pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998 and it shall not include Dearness Relief shown as Dearness Pension.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.

* Inserted vide F.D.Order No. F.13(1)FD(Rules)/2005 dated 27.01.2006.

- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale/ AICTE pay scale.”

(XXIII) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department order No. F.13(1)FD(Rules)/2005 dated 27.01.2006 to the State Government pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension shall be revised w.e.f. 01.01.2006, as under:-

- (1) Out of existing 61% Dearness Relief sanctioned vide order No. F.15(1)FD(Rules)/98 dated 24.05.2004, 50% Dearness Relief has been treated as Dearness Pension and rest 11% Dearness Relief is to be allowed on Pension/Family Pension only (not on Dearness Pension) as per this department order No. F6(3)FD(Rules)/2004 dated 24.5.2004. In case of Government servants retired/retiring on or after 1.7.2004, 11% Dearness Relief is to be calculated on the basis of two thirds of Basic Pension as per example given in para 3 of this department order No. F13(2)FD/Rules/2004 dated 25.9.2004.
- (2) Dearness Relief @ 10% as indicated in item (3) of this department order No.F.13(1)FD(Rules)/2005 dated 27.01.2006, is payable on both Pension / Family Pension and Dearness Pension, is increased by 3%, that is, from 10% to 13% with effect from 01.01.2006.

For the purpose of this order –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998. It shall not include Dearness Relief shown as Dearness Pension.
- (ii) In the case pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998 and it shall not include Dearness Relief shown as Dearness Pension.
- (iii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.
- (iv) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (v) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (vi) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions which are not related to the service rendered under Government.

* Inserted vide F.D.Order No. F.13(1)FD(Rules)/2005 dated 29.08.2006.

- (vii) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit or Director, Pension Department, Rajasthan, Jaipur.
- (viii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scale/ AICTE pay scale.”

(XXIV) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department order No. F.13(1)FD(Rules)/2005 dated 29.08.2006 to the State Government pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra ordinary pension shall be revised w.e.f. 01.07.2006, as under:-

- (1) Out of existing 61% Dearness Relief sanctioned vide order No. F.15(1)FD(Rules)/98 dated 24.05.2004, 50% Dearness Relief has been treated as Dearness Pension and remaining 11% Dearness Relief is to be allowed on Pension/Family Pension only (not on Dearness Pension) as per this department order No. F6(3)FD(Rules)/2004 dated 24.5.2004. In case of Government servants retired/retiring on or after 1.7.2004, 11% Dearness Relief is to be calculated on the basis of two thirds of Basic Pension as per example given in para 3 of this department order No. F13(2)FD/Rules/2004 dated 25.9.2004.
- (2) Dearness Relief @ 13% as indicated in item (2) of this department order No.F.13(1)FD(Rules)/2005 dated 29.08.2006, payable on Pension / Family Pension and Dearness Pension, is increased by 5%, that is, from 13% to 18% with effect from 01.07.2006.

For the purpose of this order –

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.4.1999 and Memorandum No. F.15(5)FD (Rules)/98 dated 11.6.1998. It shall not include Dearness Relief shown as Dearness Pension.
- (ii) In the case pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD(Rules)/ 97 dated 21.03.1998 and it shall not include Dearness Relief shown as Dearness Pension.
- (iii) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (iv) This order shall also be applicable in case of pensioners/ family pensioners who are in receipt of provisional pension.
- (v) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions, which are not related to the service rendered under Government.
- (vi) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit Department or Director, Pension and Pensioners' Welfare Department, Rajasthan, Jaipur.

* Inserted vide F.D.Order No. F.13(1)FD(Rules)/2005 dated 29.01.2007.

- (vii) The provisions of this order shall also be applicable to those Government servants who retired / retire while drawing pay in the UGC pay scales/ AICTE pay scales.
- (viii) Payment of Dearness Relief involving a fraction of a rupee shall be rounded off to the next higher rupee.”

(XXV) *The Governor is pleased to order that the existing rates of Dearness Relief sanctioned vide Finance Department Order No. F.13(1)FD(Rules)/ 2005 dated 29.01.2007 to the State Government Pensioners who are in receipt of superannuation, retiring, invalid, compensation, family and extra-ordinary pension shall be revised w.e.f. 01.12.2006 as under: -

- (1) Out of existing 61% Dearness Relief sanctioned vide order No. F.15(1)FD(Rules)/98 dated 24.05.2004, 50% Dearness Relief has been treated as Dearness Pension.
- (2) Dearness Relief @ 18% as indicated in item (2) of this Department Order No. F.13(1)FD(Rules)/2005 dated 29.01.2007, payable on Pension / Family Pension and Dearness Pension, is revised to 29%, with effect from 01.12.2006 (Pension / Family Pension of December 2006). Dearness Relief @ 11% as indicated in item (1) of this Department Order No. F.13(1)FD(Rules)/2005 dated 29.01.2007, stands merged in the 29% Dearness Relief. For example:-

I. Retirement / death of a Government servant upto 30.06.2004

If a pensioner / family pensioner drawing Basic Pension / Family Pension of Rs.4000/- per month, then the D.R. shall be calculated as under:

A. Existing Dearness Relief (D.R.)

Basic Pension / Family Pension	Rs. 4000/-
Dearness Pension	Rs. 2000/-
Total	Rs. 6000/-

D.R. @ 11% only on Basic Pension / Family Pension i.e. Rs. 4000/-	Rs. 440/-
D.R. @ 18% on Rs. 6000/- (Basic Pension / Family Pension Rs. 4000/- + Dearness Pension Rs. 2000/-)	Rs. 1080/-
Total D.R.	Rs. 1520/-

B. Consequent upon this order, D.R. w.e.f. 01.12.2006 shall be as under:

Basic Pension / Family Pension	Rs. 4000/-
Dearness Pension	Rs. 2000/-
Total	Rs. 6000/-
D.R. @ 29% on Rs. 6000/- (Basic Pension / Family Pension Rs. 4000/- + Dearness Pension Rs. 2000/-)	Rs. 1740/-

II. Retirement / death of a Government servant on or after 01.07.2004

If a pensioner / family pensioner drawing basic pension Rs. 6000/- per month, then the D.R. shall be calculated as under:

A. Existing Dearness Relief (D.R.)

2/3 rd of Basic Pension / Family Pension	Rs. 4000/-
1/3 rd of Basic Pension / Family Pension	Rs. 2000/-
Total Basic Pension / Family Pension	Rs. 6000/-

D.R. @ 11% only on 2/3 rd of Basic Pension / Family Pension i.e. Rs. 4000/-	Rs. 440/-
D.R. @ 18% on Rs. 6000/- (Total Basic Pension / Family Pension)	Rs. 1080/-
Total D.R.	Rs. 1520/-

* Inserted vide F.D.Order No. F.13(1)FD(Rules)/2005 dated 31.01.2007.

B. Consequent upon this order, D.R. w.e.f. 01.12.2006 shall be as under:

2/3 rd of Basic Pension / Family Pension	Rs. 4000/-
1/3 rd of Basic Pension / Family Pension	Rs. 2000/-
Total Basic Pension / Family Pension	Rs. 6000/-
D.R. @ 29% on Rs. 6000/- (Total Basic Pension / Family Pension)	Rs. 1740/-

For the purpose of this order -

- (i) Pension/Family Pension in the case of pre-01.09.1996 retirees and where Family Pension was sanctioned prior to 01.09.1996, means the Consolidated Pension or Consolidated Family Pension, as the case may be, effective from 01.09.1996 in terms of Finance Department Memorandum No.F.15(2)FD (Rules)/98 dated 21.03.1998 & 15.04.1999 and Memorandum No.F.15(5)FD (Rules)/ 98 dated 11.06.1998.
- (ii) In the case of pensioners who retired from service on or after 01.09.1996 or where family pension is sanctioned for the first time on or after 01.09.1996, Pension/Family Pension means the Basic Pension/Basic Family Pension, as the case may be, in terms of Finance Department Notification No.F.15(3)FD (Rules)/ 97 dated 21.03.1998.
- (iii) Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc., will remain unchanged.
- (iv) This order shall also be applicable in case of Pensioners/Family Pensioners who are in receipt of provisional pension.
- (v) This order shall not be applicable in case of Old Age Pensions, Political Pension or any other kind of similar pensions, which are not related to the service rendered under Government.
- (vi) Dearness Relief at revised rates as above would also be admissible to pensioners who retired/retire from service of Panchayat Samiti or Zila Parishad and whose Pension Payment Orders have been issued by the Director, Local Fund Audit Department or Director, Pension and Pensioners' Welfare Department, Rajasthan, Jaipur.
- (vii) The provision of this order shall also be applicable to those Government servants who retired/retire while drawing pay in the UGC pay scales/ AICTE pay scales.
- (viii) Payment of dearness relief involving a fraction of a rupee shall be rounded off to the next higher rupee."

APPENDIX - IV

THE RAJASTHAN CIVIL SERVICES (MEDICAL EXAMINATION) RULES, 1996

GOVERNMENT OF RAJASTHAN FINANCE DEPARTMENT (Rules Division)

NOTIFICATION

No. F.1(7)FD(Rules)/96

Jaipur dated the Sept. 18, 1996.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Rajasthan hereby makes the following rules, namely : —

1. (1) These rules may be called the Rajasthan Civil Services (Medical Examination) Rules, 1996.
(2) These rules shall apply to every person—
 - (a) who is a member of a Civil Service of the State; or
 - (b) who holds a civil post under the State; or
2. (1) Where the competent authority has reason to believe that a Government servant to whom these rules apply is suffering from—
 - (a) a contagious disease, or
 - (b) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties,

that authority may direct the Government servant to undergo a medical examination within such period not exceeding one month as may be specified by it and may, if it considers it essential to do so, also direct the Government servant to proceed on leave forthwith pending medical examination. Such leave shall not be debited to the leave account of the Government servant, if the examining medical authority subsequently expressed the opinion that it was unnecessary for the Government servant to have been required to proceed on leave.

(2) On the basis of the opinion expressed by the examining medical authority and subject to the provisions of sub-rule (3), the competent authority may require the Government servant to proceed on leave or, if he is already on leave to continue to remain on leave or may retire him from service if he is a permanent Government servant or if he is a temporary Government servant recruited through RPSC on a post within their purview or recruited strictly in accordance with the relevant service rules on a post out side the purview of RPSC; or may terminate his services in other cases.

(3) The procedure for a medical examination, grant of leave on retirement from service, or termination of service under this rule shall be such as the Governor may by order prescribe.

(4) For the purpose of this rule, competent authority in relation to a Government servant means the authority competent to dismiss him and includes such other authority as the Governor may by order specify in this behalf.

(5) For the avoidance of doubt, it is hereby declared that non-compliance with a direction given under sub-rule (1) or sub-rule (2) of this rule will be considered good and sufficient reason for the imposition of a penalty in accordance with the rules governing discipline applicable to the Government servant concerned.

3. A Government servant who has retired from service under sub-rule (2) of Rule 2 may be granted such invalid pension, gratuity or Provident Fund benefits as may be admissible to him under the rules applicable to him on the date of such retirement.

4. A Government servant whose services have been terminated in pursuance of sub-rule (2) of Rule 2 may be granted such gratuity as may be admissible under the rules applicable to him on the date of such termination.

5. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

GOVERNMENT OF RAJASTHAN'S DECISIONS

1. In pursuance of sub-rule (3) of Rule 2 of the Rajasthan Civil Services (Medical Examination) Rules, 1996 (hereinafter referred to as the said rules), the examining medical authority shall be—

- (a) a Medical Board, in the case of (i) all Gazetted Government servants and (ii) those non-gazetted Government servants whose pay, as defined in Rule 7 (24) of the Rajasthan Service Rules exceeds Rs.2200 p.m.
- (b) a Civil Surgeon or District Medical Officer or a Medical Officer of equivalent status, in other cases.

2. (1) The authority directing the Government servant to undergo medical examination under sub-rule (1) of Rule 2 of the said rules shall communicate to the examining medical authority all such details concerning the medical history of the case as might be available in his office records of the case and shall include a directive and the standard of physical fitness to be adopted, should make due allowance for the age and length of service of the Government servant concerned.

(2) The Authority directing the Government servant to proceed on leave pending medical examination under sub-rule (1) of Rule 2 of the said Rules shall also intimate the fact to the examining medical authority and require it to express an opinion on the necessity for the Government servant to have been required to proceed on leave.

3. (1) If the examining medical authority finds the Government servant to be in a bad state of health and consider that a period of absence from duty is necessary in his case for the recovery of his health, it may recommend the grant of leave to him for that period.

(2) If that authority considers that there is no reasonable prospect of the Government servant recovering his health and becoming fit to resume his duties, it shall record the opinion that the Government servant is permanently incapacitated for service and also give detailed reasons for that opinion.

(3) If the Examining Medical Officer, although unable to discover any specific disease in the Government servant, considers him incapacitated for further

service by general debility while still under the age of fifty five years, he should give detailed reasons for his opinion, and if possible, a second medical opinion should always in such a case be obtained.

(4) A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an officer whose recorded age is less than 55 years, but a Medical Officer is at liberty, when certifying that the officer is incapacitated for further service by general debility, to state his reasons for believing the age to be under stated.

NOTE

Senile cataract, arterial changes consequent on senile decay, general nervous-breakdown, and commencing cataract may be treated as specific disease as they may come before a man reaches the 55th year of his age.

(5) In either case the examining medical authority shall communicate its findings to the authority which directed the Government servant to undergo the medical examination.

4. (1) A Government servant in whose case the grant of leave is recommended by the examining medical authority, shall be required to proceed on leave, or, if he is already on leave, continue to remain on leave, by the authority competent to grant him leave as soon as findings of the medical authority become available.

(2) The leave granted under sub-rule (1) or sub-rule(2) of Rule 2 of the said rules shall be of such nature and for such period as would be admissible to the Government servant under the rules applicable to him if he had applied for the leave on medical certificate provided that the period of leave shall not extend beyond the date of expiry of the period recommended by the medical authority.

5. (1) A Government servant declared by the examining medical authority to be permanently incapacitated for further service shall be retired from service, but before the Government servant is actually retired from service, the authority which directed him to undergo the medical examination shall inform him in writing of the action proposed to be taken in regard to him indicating briefly the grounds on which such action is proposed to be taken.

(2) The Government servant shall also be informed that -

(a) subject to the provisions of Rule 81 of R.S.R. and any orders regarding grant of leave to persons suffering from specified disease like tuberculosis, his retirement will have effect on expiry of a period of one month from the date of communication unless he so desires to retire or quit from an earlier date;

(b) he may submit, if he so desires, within the period of one month, a request to be examined by Medical Review Board supported by prima facie evidence that good grounds exist for doing so; and

(c) if he prefers a request for examination by a Medical Review Board, he shall be liable to pay the fees prescribed under paragraph 7 below.

(3) For the period from the date of communication upto the date of retirement under paragraph 6, the Government servant shall be granted leave under the rules applicable to his post or service as if he had applied for leave on medical certificate.

6. On receipt of an application for review, the competent authority shall take steps to get special Review Board constituted by requesting the Director Medical and Health Services or the Principal of the concerned Medical College. If the Review Board confirms the opinion of the examining authority, the retirement of the Government servant shall, subject to the provisions of rule 81 of R.S.R. be effective from the date on which the decision is communicated to the Government servant. If, on the other hand, the Review Board recommends grant of leave to the Government servant, action shall be taken as provided in paragraph 4.

7. (1) The entire expenditure for medical examination conducted at the instance of the employing department to ascertain whether a Government servant is fit for continuance in service or not shall be borne by the Government. This will include Travelling Allowance as on tour with halting allowance where the medical examination is carried out at a station other than the headquarters of the Government servant concerned and also reimbursement of fee charged, if any, for such examination. The expenditure incurred in assembling the Review Board shall also be borne by the Government provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if the Government servant is not retired or his services are not terminated as recommended by the examining authority.

(2) Under orders of the Government of Rajasthan no employee under any circumstances whatever, has to be retained in active employment when he is physically or mentally unfit for the proper discharge of his duty. When a Government servant is in bad health and unable to perform his duties in a satisfactory manner, it is his business to apply for and obtain leave. If he does not go on leave and neglects his duty, the excuse if put forward, that he was in bad health, will not be accepted. In appropriate cases, the employees may be sent for medical examination for adjudging his fitness to continue in service in accordance with the provisions of the above rules.

By order of the Governor,

Dr. ADARSH KISHORE
Secretary to the Government

APPENDIX V

RULES REGULATING THE COMPASSIONATE FUND OF THE GOVERNMENT OF RAJASTHAN.

(See Rule 44 of R.C.S. (Pension) Rules, 96)

1. **Eligibility. -**

The Compassionate Fund is intended for affording relief to the families of Government servants paid from the State revenues, if they be left in indigent circumstances on account of premature death of the Government Servant.

2. **Application.-**

No application will ordinarily be considered -

- (i) from dependents of a deceased Government servant who was a subscriber to a Contributory Provident Fund, or
- (ii) which is not submitted to the Head of Office concerned within one year of the death of the Government Servant unless the delay in submission is sufficiently explained. It is most desirable that the application should be submitted as promptly as possible after the death of the Government servant.

3. **Chargeable head.-**

Payments made from the Fund shall be booked under head "2071 - Pensions and Other Retirement Benefits, 01 - Civil, 103 Compassionate Allowance".

4. **Conditions for the grant of Award.-**

Grants from the fund will be governed by the following general conditions :-

- (1) Grants from the Fund are restricted to cases of an exceptionally deserving character, where the family is left in indigent circumstances;
- (2) The deceased Government servant must have rendered continuous and good service. Meritorious service gives special claim to consideration;
- (3) Death due to or accelerated by special devotion to duty establishes a strong claim to consideration;
- (4) In ordinary cases, preference will be given to the dependents of those who have put in long years of services;
- (5) Other things being equal, preference will be given to those who have been in the lower pay ranges.
- (6) As a general rule, a grant will not be given if the last basic pay of the deceased Government servant exceeded ¹"Rs.15,000/-" per mensem:

Provided that in case of a family not entitled to family pension, grant from the Fund may be sanctioned in deserving cases even though the last basic pay exceeded ¹"Rs.15,000/-" per mensem:

1. The existing words & figures "Rs. 5000/-" substituted vide FD Notification No.F.15(3)FD(Rules)/97 dated 21.3.1998 w.e.f 1.10.1996.

5. Amount of grant.-

(1) All awards from the fund will be purely ex-gratia.

(2) No family pension will ordinarily be granted from the Fund. Grant from the Fund will generally be in the shape of 'Gratuity'.

(3) In exceptional cases, suitable recurring grants may be sanctioned payable monthly, quarterly, half yearly or yearly, for a limited period as assistance towards special needs such as to defray the expenses of the education of children. These recurring grants will be subject to such conditions as the Committee constituted under Rules 6 may impose to satisfy itself regarding the continuance of the need, utilisation of the amount etc.

(4) The Committee may also consider grants from the Fund in cases where -

- (i) family members are suffering from serious illness like Cancer, T.B. etc.;
- (ii) imparting of training to a child would improve the prospects for getting a job;
- (iii) marriage of a daughter of the deceased government servant.

(5) Normally the amount payable in any individual case will be Rs. 10,000/- which may be increased in exceptional cases to a maximum of Rs. 20,000. The precise amount will be fixed keeping in view the number of members of the family, the ages of the children and pressing necessities of the family. The case of a widow where there is no other adult member in the family of a male deceased Government servant who, for valid reasons, is not in a position to accept appointment to a post under the Government or Public Undertaking when offered, shall be a reasonable case to be treated as exception for increased grant.

(6) In the case of death of the original grantee of a gratuity sanctioned out of Compassionate Fund before the receipt of the amount, the payment will be made to the children through such person as may be considered deserving by the Committee referred to in Rule 6.

6. Administration of Fund.-

The Compassionate Fund will be administered by a Committee consisting of the following:-

- | | | |
|----|-------------------------------|------------|
| 1. | Finance Secretary | Chairman |
| 2. | Secretary Personnel | |
| 3. | Dy. Secretary, Finance(Rules) | Secretary. |

The Chairman of the Committee may, if he considers necessary, invite the Secretary of the concerned administrative department or his representative not below the rank of Deputy Secretary to join the deliberations when cases relating to their departments are considered in the Committee.

7. Powers to relax.-

Notwithstanding anything contained in the above rules and excepting the maximum limit of the grant of Rs. 20,000, the Committee administering the Fund under rule 6, may relax the provisions of these rules in deserving cases for reasons to be recorded in writing, in a just and equitable manner.

8. Procedure.-

- (1) (a) Applications for grant from the Compassionate Fund shall be made in the prescribed form appended to this Appendix, in triplicate, alongwith attested copies of passport size photographs, to the Head of Office where the deceased Government servant was employed immediately before death.
- (b) The Head of Office on receipt of the application will scrutinise the particulars furnished therein and forward all the three copies to his Head of Department, within 10 days of the receipt of the application.
- (c) The Head of the Department shall forward one copy of the application to the Collector of the concerned District for a report on the financial condition of the family and on the other financial particulars mentioned in the application form, within 10 days of the receipt of the same from the Head of Office. The second copy of the application form will be submitted to the Secretary of the Administrative Department concerned.
- (d) The concerned District Collector shall make out his report as early as possible, but not later than 30 days in any case, to the Secretary of the Committee of the Fund i.e. Deputy Secretary to Government, Finance (Rules) Department, Rajasthan, Jaipur.

(2) The Committee will meet in the third week of April, July, October and January to consider and make recommendations in applications received by the Secretary upto the last day of the preceding month.

(3) The sanction for payment of grant to provide relief to the families of the deceased Government servants out of the Fund shall be issued by the Government in the Finance (Rules) Department and the Head of Office/Head of Department in which the deceased Government servant was employed immediately before death shall draw money from the Treasury on simple receipt form on the basis of the sanction issued by the Government and make payment of the grant to the member (s) of the family of the deceased Government servant. No authority from the Director, Pension Department, Rajasthan will be required for such payment. After disbursement of the grant, the drawing officer will intimate the Treasury Voucher Number and Date to the Finance (Rules) Department, Rajasthan, Jaipur.

9. Interim payment to provide immediate relief.-

(1) On receipt of application from the Head of the Department for a report on the financial position of the applicant as provided in Rule 8(1)(c), the Collector may, of his own or on a request being made to him in writing by the applicant or the head of office for immediate relief, place the case before a sub Committee consisting of the following-

1. District Collector Chairman
2. Treasury Officer
3. Seniormost officer of the
concerned deptt. stationed at
the distt. headquarters.

In case the seniormost officer of the Department stationed at the district headquarters is the Head of the Department, the latter may nominate his additional or deputy Head of the Department. The Treasury Officer will act as Secretary to the above Sub Committee.

(2) The Sub Committee will work under the direction and supervision of the Committee to administer the Compassionate Fund formed under Rule 6.

(3) On the recommendations of the Sub Committee, the District Collector shall be competent to sanction payment of grant from the Compassionate Fund for an amount not exceeding Rs. 5,000/- in each case, under intimation to the Secretary of the Committee to administer the Compassionate Fund formed under Rule 6 i.e. Deputy Secretary, Finance (Rules) Department. After issue of the sanction, he will forward the case to the Committee alongwith his recommendations for further decision.

(4) This interim grant not exceeding Rs.5,000 will be adjusted from the final sanction, if any, accorded by the committee.

10. Bar to payment from the fund :-

No payment including interim payment shall be considered for sanction to the family of a Government servant who is entitled to receive ex-gratia grant under rule 75 and 76 of Rajasthan Civil Services (Pension) Rules, 1996.

**APPLICATION FOR THE GRANT OF AN AWARD
FROM THE COMPASSIONATE FUND OF THE
GOVERNMENT OF RAJASTHAN**

PART I

(To be completed by the applicant)

1. (a) Name of the deceased
- (b) Particulars of dependents family members with their age and occupation. (In the case of persons gainfully employed income should also be stated).....

(In the case of children receiving education, name the institution and the classes in which they are studying)

Name	Relationship	Age	Name of the Institution	Class	Remarks
------	--------------	-----	-------------------------	-------	---------

(Here indicate if in occupation, the date since when, the capacity in and the establishment in which he/she has been employed with the details of pay and allowances drawn in that post.)

- (c) Where the widow/daughter/son was given an employment of compassionate grounds and whether she/he is still continuing in that employment
(The details of the employment should be shown in the Remarks Column above)

Note:- "Dependent" means family members of the deceased Government servant and shall include wife or husband, sons and unmarried or widow daughters, who were dependent on the deceased Government servant.

2. Father/brother/son or sons of the deceased.

Name	Relation	Age	Annual Income	Amount of financial assistance they are able to provide to the family of the deceased
------	----------	-----	---------------	---

3. Whether the family has been allowed to share residential accommodation with any relatives.

4. Pecuniary or property benefits received :-

(a) amount which became available to the dependents after death of the Government servant. :-

(i) Family pension.

(ii) Gratuity or total of Contributory Provident Fund in case Government servant was not under pensionable service.

(iii) General Provident Fund.

(iv) From State Insurance Department.

(v) From Life Insurance Corporation/any other Insurance Company.

(vi) Cash balance in Bank or Post Office Savings Bank.

(vii) Funds invested : in Companies, Co-operatives, Small Savings, Private loanes.

(viii) From other sources.

(b) Whether having any immovable property. If so, amount of rent received per month. If house is used wholly or partly for residence of the family of the deceased, this should be indicated.

5. (a) Name and address of the applicant

(b) Relationship to the deceased Government Servant

6. Reasons for assistance from the Compassionate Fund of the Government of Rajasthan.

7. If an application is being made after the expiry of one year from the date of death of the deceased Government servant mention reasons for delay and also indicate how the widow and children have been subsisting during this period.

8. Name of the Treasury in which payment is desired. I certify that the information given above is correct.

Place:

Dated the19

(Signature or
thumb-impression of the applicant)

Part II

Descriptive Roll

(To be Completed by the applicant)

PHOTO

Descriptive Roll of the applicant :-

- (a) Height.
- (b) Age.
- (c) Colour.
- (d) Personal marks, if any on the hand, face etc.
- (e) Signature or left hand thumb finger impressions.

Small finger	Ring finger	Middle Finger	Index finger	Thumb
()	()	()	()	()

Note:- Three Photos of pass-port size of the applicant duly attested by Gazetted officer be pasted at the appropriate place.

Signature of the Officer
attesting the descriptive roll

PART III

(To be completed by Administrative Authority)

1. (a) Date of entry into service of the deceased Government servant.
(b) Last appointment held by the deceased Government servant
(c) Pay and allowances at the time of death.....
Pay
Special Pay, if any,
Dearness allowance
House rent allowance
Compensatory (city)
allowances
Any other allowances
with details
Total.....
(d) Date of birth
- (e) Date of death
2. Total service rendered : year—— Month —— Days
3. Indebtedness to Government for House Building Advance, M.I.G.H. or L.I.G.H. Loan, and Conveyance Advance.
4. Remarks of the superior officer on the work of the deceased officer as based on the Character Roll.

(Character Roll for the entire length of service should be forwarded with the application.)
5. Was death due to or accelerated by devotion/extraordinary devotion to duty ?
6. Recommendations of the Head of the Department regarding the amount of grant
7. Additional remarks, if any

Certified that the information furnished by the applicant at Column 4 (b) of Part I of the application has been checked with reference to the property returns furnished or and the report made or the sanction obtained by the deceased Government servant under Rajasthan Civil Services (Conduct) Rules, 1971 and found to be correct.

Place.....

Dated the19

(Signature and Designation of
Head of Officer/Head of Department)

PART IV

(Report by the Collector)

Note : - He will also include in this report information relating to interim payment made under Rule 10.

Signature & Seal
of the Distt. Collector

APPENDIX VI

* SCHEME FOR PAYMENT OF PENSION OF RAJASTHAN GOVERNMENT CIVIL PENSIONERS BY PUBLIC SECTOR BANKS

The genesis of Scheme : -

The scheme for payment of pension to pensioners through State Bank of India, State bank of Bikaner & Jaipur, Bank of Baroda, Punjab National Bank, Central Bank of India and United Commercial Bank at the places where the branches of these banks exist in the State will be introduced with effect from 1st July, 1977, so as to enable commencement of payment of pension for the month of July, 1977 payable on or after 1st August, 1977. The words "Bank (s)" used hereafter will mean the under noted Banks (1) State Bank of India (2) State Bank of Bikaner and Jaipur (3) Bank of Baroda (4) Punjab National Bank (5) Central Bank of India (6) United Commercial Bank (7) Union Bank Of India ¹"(8) Allahabad Bank (9) Bank of India".

1.1 Pension will be paid through the Bank by credit to pensioners Savings/Current account at Bank's branch selected by him on the first working day of the following month or immediately thereafter. If for exceptional reasons like rush of work on that day it has not been possible to make payment of pension on 1st of a month, it may be ensured that it is paid in any case before 5th of the month in which payment is due. No bills shall be required to be submitted for this purpose.

Scheme is optional:

2. The existing State Civil Pensioners who are drawing their pensions from treasuries or sub-treasuries in Rajasthan will have an option either to continue to draw their pension from the treasury or the sub-treasury or to draw pension from any branch of the Bank. Employees retiring on or after 1st July, 1977 will likewise have option to draw their pension from treasury or from the branch of the Bank specified above; they will therefore, indicate their option in the application for pension.

2.1 "The facility of drawal of pension through public sector Banks under this scheme has been extended with effect from 1.4.1984 to Freedom Fighter Pensioners as per Rules given in Annexure-VI."

Action by pensioners:

3. Every pensioner availing of this facility will open Savings/Current Account in his name unless he is already having one. Pension will not be paid in cash or through a "joint" or an either or "survivor" Account or through an Agent having power of attorney to operate it. In other words, he should open an account in his/her/sole name, if he is not already having one.

3.1 Existing State Civil pensioners who are desirous of drawing their pension from the Bank will apply to the Treasury Officer/Sub-Treasury Officer from whom they are receiving pension on or after 1st July, 1977 in form given in Annexure 1.

* Scheme originally issued vide order No. F.6(11)FD(R&A-I)/76 dated 10-6-1977.

1 Inserted vide Finance (G & T) Department Circular No.F.7(7)R & A/94 dated 21.06.2005.

Transfer of P.P.Os to the Bank & Accounting procedure:

4. The detailed procedure to be followed for transfer of pension payment work to the Bank and accounting of pension payment under the Scheme is outlined in the following paragraphs :

4.1 The existing All India Service Officers retired from a post under the Central Government on or after 1.4.81 and who are drawing their pension from Treasuries in the State, may submit their option to continue to draw their pension from the Treasury or to draw pension from any public sector bank branch at the specified places.

4.2 In the case of applications received at a sub treasury, the sub-treasury officer shall on receipt of the option immediately forward both the copies of the application together with the disburser's half of the P.P.O. to the District Treasury Officer keeping a note in his records of the P.P.Os so transferred. If the P.P.O. is torn or mutilated the Treasury Officer/Sub-Treasury Officer will renew them it before sending it to the Bank.

4.3 The option application (original copy) of the pensioners received by the District Treasury Officer, directly or through the Sub-Treasury Officer as mentioned in the preceding paragraph, shall be sent by him, under his special seal and together with disburser's half of the P.P.O. to the nominated link branch of the Bank under intimation to the Director Pension/Accountant General, the documents will be sent to the link branch through a messenger or under registered cover. Simultaneously, the pensioner will be advised to approach the Bank branch specified in his application for receiving future pension payments.

4.4 While forwarding the above documents to the link branch the month upto which pension was paid by Treasury/Sub-Treasury and the month from which pension payment is to commence shall be clearly indicated.

4.5 In respect of new pensioners, the Director Pension/Accountant General while issuing the P.P.O. to the Treasury Officer will also mention on the P.P.O. itself the particular branch of the Bank(s) from which the pensioner has opted to draw pension. The Treasury Officer will forward both halves of the P.P.O. to the link branch of that Bank.

Transmission of P.P.Os by link branch to paying branch:

5. The Banks will maintain at their link branch a register in the form prescribed in Annexure II to serve as an index of the pension payments authorised through the Bank.

5.1 The link branch will verify the special seal and signatures of the Treasury officer forwarding the disburser's half of the P.P.O. (both halves in case of a new pensioner) with the special seal and specimen signature on record with the link branch.

5.2 The disburser's half of the P.P.O. (in case of new pensioners both halves) and any other documents received from the Treasury Officer (e.g. original copy of the option application submitted by the pensioner for drawing pension through Banks) will thereafter be forwarded by the link branch to the branch selected by the pensioner, hereafter referred to as the "paying branch".

Functions of paying Branch:

6. On receipt of documents from the link branch, as indicated above and before commencing payment of pension the paying branch will-

- (i) advise the pensioner to appear at the branch for the identification ;

- (ii) obtain an undertaking from the pensioner that excess payment credited to his/her account, due to delay in receipt of any material information or any bonafide error, can be recovered by the bank ; and
- (iii) obtain, in the case of a new pensioner, specimen signature or thumb impression, as the case may be in the space provided for the purpose in the disburser's portion of the P.P.O. and hand over pensioner's portion of the P.P.O to him/her.

6.1 The process of identification has been laid down in Rule 186 & 187 of the Treasury Manual. This comprises checking of the signature of the pensioner with that available on the disburser's portion of the P.P.O. and resemblance with the pensioner's photograph thereon. A new pensioner has also to produce his personal copy of the letter of the Director Pension/Accountant General forwarding the P.P.O. in case the photograph is not available on the disburser's portion, the paying branch will, in due course, obtain new photograph from the pensioner (which can be attested by any officer of the Reserve Bank or a P.S.B.) and complete the disburser's portion.

6.2 Personal identification will be only for first payment of pension at Bank's branch.

6.3 No bill will be required to be submitted by the pensioner for drawing pension at the paying branch. The payment of pension after deduction of tax (indicated in para 6.4 below) will be made by the Bank by credit to Savings/Current account of the pensioner. The paying branches will record pension payments only on the disburser's portion of the P.P.O. and in the prescribed register maintained by them. In case a pensioner requests the paying branch for recording payments on pensioners portion of the P.P.O. the same shall be recorded by paying branch.

6.4 The paying branch will be responsible for deduction of Income tax at source from the pension payments in accordance with the rates prescribed from time to time. In cases of pensioners from whose pension, Income tax has been so deducted, the paying branch will issue, in April each year, a certificate of tax deducted in the form prescribed in the Income tax Rules.

6.5 The paying branch will maintain a detailed record of pension payments made from time to time at that branch in the form prescribed in Annexure III. Each paying branch will send advice of pension payments made by it to its link branch by the 10th of the month ; certificate of payment will be recorded on the advice sent. The advice will be supported by a scroll in triplicate (the scroll will be in the form prescribed in Annexure III) and necessary certificates submitted by the pensioner.

6.6 OPENING THE BANK ACCOUNT AND FACILITY FOR WITHDRAWAL OF PENSION TO SICK AND PHYSICALLY HANDICAPPED PENSIONERS

(1) Opening the Account

In case of a pensioner who has lost both his hands and therefore cannot sign, his signatures can be obtained by means of a mark. This mark can be placed by the person in any manner. It could be the toe impression. It can be by means of a mark which anybody can put on pensioner's behalf, the mark being put by an instrument which has had a physical contact with the person who has to sign.

(2) Withdrawal of money from the account

The following method will be adopted in case of sick, incapacitated handicapped pensioners :

(a) Pensioner who is too ill to sign a cheque and cannot be physically present in the bank to withdraw money from his account, but can put his thumb/toe impression on the cheque/withdrawal form

In this case, the thumb or toe impression should be identified by two independent witnesses known to the Bank, one of whom should be a responsible bank official.

(b) Pensioner who is not only unable to be physically present in the bank, but is also not even able to put his thumb/toe impression on the cheque/withdrawal form due to certain physical defect/incapacity.

In this case a mark can be obtained on the cheque/withdrawal form in the same manner as described in sub-para(1) above. That mark should be identified by two independent witnesses one of whom should be a responsible bank official.

(c) In both the cases mentioned above, the pensioner might also be asked to indicate to the Bank as to who would withdraw pension amount from the bank on the basis of cheque/withdrawal form as obtained above and that person should be identified by two independent witnesses. The person who is actually drawing the money from the Bank should be asked to furnish his signatures to the Bank.

Functions of the link branch :

7. On receipt of advices and three copies of scrolls, alongwith the supporting documents from the other branches, the link branch will segregate the scrolls Treasury-wise and consolidate them alongwith supporting documents.

7.1 Two copies of the scroll with supporting documents alongwith summary sheet and a simple receipt (unstamped) acknowledging receipt of the amount from Government on behalf of the pensioners will be sent by the Bank's link branch to the Reserve Bank of India/State Bank of India or its subsidiary transacting Government business at the district headquarters by the 15th of each month.

Reimbursement of the Banks:

8. On receipt of the scroll etc., from the bank, the Reserve Bank of India/State Bank of India or its subsidiary shall check the scroll to ensure that it is complete in all respects and is accompanied by the relevant certificates in respect of each payment included therein. Thereafter the net amount of pensions disbursed by a Bank will be reimbursed to the Bank by debit to the State Government account. A copy of the debit advice together with all the copies of the scroll and certificates received from the Banks will be sent to the Treasury Officer concerned.

8.1 Note:- The branch of the State Bank of India from which the link branch would claim reimbursement will be the one dealing with the treasury which transferred the PPO to the PSB.

8.2 Note:- The paying/reimbursing banks shall ensure that no excess reimbursement is claimed/made. However if excess reimbursement is made to the paying banks, due to any reason and the amount involved is less than Rs.1,000/- the same may be adjusted through the pension payment scroll of the succeeding month, by the paying bank putting in a short claim to the extent of the excess amount involved with suitable remarks.

Where, however, the amount excess reimbursed is Rs.1,000/- or more the reimbursing banks may prepare immediately an error scroll for that amount for crediting the excess to Government account and recovering the same from the bank to which excess reimbursement had been made.

Responsibilities of Treasury Officer:

9. On receipt of the copies of the scroll and the required certificates the Treasury officer will check the correctness of the payments made by the Banks with reference to the records maintained by him and thereafter incorporate the transaction in his accounts to be submitted to the Accountant General alongwith original copy of the pension payment scroll and related documents. The duplicate copy of the scroll will be retained by the Treasury.

9.1 The Treasury Officer will be responsible for accounting gross pension and deductions towards income-tax while rendering accounts to the Accountant General.

9.2 On receipt of the treasury accounts, the Accountant General will adjust the transactions in the usual manner.

Submission of periodical certificates by the pensioner:

10. The pensioners will be required to submit a life certificate once in a year in the month of November under this scheme. The pensioner/Family pensioner will also be required to furnish a non-employment or an employment/re-employment certificate once in a year in the month of November. If the certificate indicates that pensioner/family pensioner is re-employed/employed either permanently or temporarily in a Central/State Govt. Department or is employed/re-employed/permanently absorbed in a Central or State Government Company, Corporation, Undertaking or Autonomous body, Statutory body, Local body, Co-operative Society, Institution etc. wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or is receiving grant-in-aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in a Public Sector Bank or in GIC/LIC etc. during the year ending October of that year, provisions of paragraph 13.5 will be enforced.

10.1 The life certificate will be signed by the Officers of the authorised Public Sector Banks and Reserve Bank of India under this scheme.

10.2 In cases of widow recipient of family pension, certificate of re-marriage/non-marriage will not be furnished by the recipient under this scheme. An undertaking from the recipient shall be obtained by the paying branch to report promptly such an event to the pension disbursing office. The certificate of non-marriage/re-marriage in other cases (i.e. by an unmarried daughter or a widower recipient of family pension) will be furnished by the recipient once in six months in May & November.

10.3 The forms of certificates referred to in para 10 & 10.2 are given in Annexure IV.

10.4 The Bank will indicate compliance of these requirements in the scroll sent to the Treasury Officer.

Transfer of pension:

11. Application for transfer of pensions from one place to another may be of two kinds.

- (1) Transfer of pension from one branch of the paying bank to another of the same bank at the same station or in the same district; or
- (2) Transfer of pension from one place to another district of the State.

11.1 Requests falling under category (1) above may be entertained by the P.S.B. itself. The paying branch will indicate on the disburser's portion of the PPO the month upto which the payment has been made and will thereafter return the disburser's portion of the PPO to the link branch. On receipt the link branch will make necessary entries in the register maintained by it in the form in Annexure III and forward the PPO (disburser's portion) to the other paying branch, under intimation to the district treasury, for making future pension payments.

11.2 In a case falling under (2) above, the paying branch will return through its link branch, both the portion of the PPO to the district treasury officer indicating the month upto which pension payment has been made. On receipt, the district treasury officer will take necessary action for payment of the pension at a branch of a PSB or the Treasury/Sub-treasury as per pensioner's request.

11.3 To avoid the risk of over-payment at the time of transfer, the following certificate may be recorded on the PPO by the paying branch of the PSB.

"Certified that payment of pension upto the month of has been made and that this PPO consists of continuation sheets for recording disbursement."

11.4 Except as provided for above, the transfer of a pension from one payment point to another will not ordinarily be permitted.

Commutation of Pension:

12. On receipt of communication from the Director Pension/Accountant General sanctioning commutation and indicating the revised rate of pension payable after commutation the Treasury Officer will forward it under his seal, to the paying branch through the link branch of the PSB for arranging payment. On receipt of the authority, the paying branch will—

- (i) arrange immediately payment of the commuted portion of the pension and indicate in the related payment scroll against this item of payment the Director Pension/Accountant General's letter of authority;
- (ii) enter the date of commutation payment and date from which the reduced pension is payable (as indicated in the commutation sanction) in the disburser's portion of the PPO (as well as on the pensioner's portion of the PPO at the earliest opportunity);
- (iii) commence payment of reduced pension and simultaneously arrange recovery of excess payment made if any, to the pensioner; and
- (iv) advise the Treasury Officer through the link branch the date on which payment of commuted portion of pension was made and the date from which payment of reduced pension has commenced.

12.1 The link branch will also make appropriate entries in its records on the basis of such intimation.

Relief to Pensioners:

13. Whenever any increase in pension is sanctioned by the State Government, adequate number of copies of the orders sanctioning this payment alongwith the ready reckoner relating there to will be sent by the Finance Department direct to the Central Offices and Regional/Local Head Offices of Public Sector Bank. These offices will in turn make immediate arrangements for supplying copies of these orders to their respective paying branches say within ten days for implementation. Each paying branch will promptly determine the revised rates of increase in pension payable to the State Government Civil pensioners under its payment. The calculation of these rates applicable to individual pensioners would be made as per prescribed pro-forma and these will be noted in disburser's portions of PPOs alongwith their effective date (s) under the attestation by the Branch Manager or Incharge before commencing payment of increase in pension at these rates to the pensioners together with arrears, if any, due to them on this account. Copies of order will also be forwarded to Reserve Bank of India.

13.1 The Statement showing the calculations of the revised rates in prescribed pro-forma will be prepared in quadruplicate. First three copies thereof will be sent by the paying branch to the concerned Treasury Officer/Pension Payment Officer (through its link branch) for verification and return, the fourth being retained by it as an office copy. The Treasury Officer/Pension Payment Officer will immediately check the calculation shown in the statement and, wherever necessary indicate, in all the three copies the correct revised rates of increase in pension in the 'Remarks' column of the statement under his attestation. He will return the original copy of the statement duly checked and attested by him to the payment branch through the link branch within two weeks of its receipt. The duplicate copy will be sent by him to the Accountant General, while the triplicate, would be retained for his record. The corrections if any, indicated by the Treasury Officer/Pension Payment Officer in the 'Remarks' column of the verified statement will be noted urgently by the link branch in its related records and it will then pass on that statement to the paying branch for similar action being taken in respect of the disburser's portion of the pension payment orders and other concerned records. Thereafter, the paying branch will take steps to make subsequent payment to the pensioners at the revised and verified rates and adjust any over/under payment already made by it on the basis of the revised rates initially adopted for payment as per para 13 above.

13.2 Whenever a paying branch is unable to work out the rates and process the payments according to para 13 and 13.1 above, it will, on receipt of a copy of the orders sanctioning increase in pension prepare a statement in triplicate immediately, covering all the State Government Civil Pensioners under its payment in the same form as per prescribed pro-forma but leaving blank column 8 and 10 thereof and send it immediately to the Treasury Officer/Pension Payment Officer (through the link branch) for calculating the revised rates of increase in pension. The Treasury Officer/Pension Payment Officer will work out these rates and fill in columns 8 and 10 in all three copies under his attestation. He will, within two weeks, return the original statement to the paying branch through the link branch and send the duplicate to the Accountant General, keeping the triplicate for office record. The link branch will transmit urgently the statement bearing the revised rates to the paying branch after noting the same in its related records. On receipt of the completed statement the paying branch will also note these revised entitlement in the disburser's portions of the PPOs. under the attestation of the Branch Manager or Incharge and proceed with the payment of increase in pension to the pensioners at the revised rates, including arrear, if any, payable to them on that account.

13.3 The enhance-entitlement arising from the sanctioning of increases in pension and their effective date (s) may be entered by the paying branch in the pensioner's portions of the PPOs. at their request, only after the same are verified/intimated by the Treasury Officer/Pension Payment Officer.

13.4 Each link branch will be responsible for ensuring that——

- (a) Copies of the orders sanctioning increase in pension have actually been received by their paying branches; and
- (b) Payment of increase in pension the revised rates to the pensioners has been commenced by them without any undue delay.

They will also take up with the Treasury Officer/Pension Payment Officer cases if any, where the verification or intimation of entitlement of increase in pension at the revised rates has been delayed for more than one month, cases involving delays exceeding three months will be brought to notice of the Accountant General for taking appropriate remedial action with a copy to the Finance Department.

13.5 In the case of a pensioner/family pensioner who declare about his employment /re-employment as per paragraph 10 the paying branch shall suspend payment of dearness relief on pension/family pension from the day of such re-employment. The payment of Dearness Relief will be re-started by the paying branch from the day following the day on which the term of re-employment/employment comes to an end.

Arrears of pension on death of pensioner:

14. Pension can be drawn for the day of the pensioner's death. On death of a pensioner, the paying branch will receive death certificate of the pensioner and work out any arrears due to the deceased or over-payment, if any, made to him. It will immediately take action to recover the over payments from the deceased's account for which Banks would have obtained an undertaking from the pensioner as provided in paragraph 18 below. For payment of any arrears to the heir of the deceased pensioner, the Bank will seek instructions of the Director Pension/Accountant General through the Treasury.

Family Pension:

15. On receipt of intimation of death of the pensioner the paying branch of the Bank will obtain the death certificate of the pensioner as well as an application in Annexure V for payment of family pension and will commence payment of family pension at the rates indicated by the Director Pension/Accountant General in the disburser's portion of the PPO. The paying branch will enter the date of death of the pensioner in the disburser's portion of the PPO and also make entries in the pensioner's portion and in the register in form at Annexure III.

15.1 Payment of family pension will be made by credit to Saving/Current account of the recipient (not a "Joint" or either or "Survivor" account)which may be opened if the recipient does not already have one additionally an undertaking similar to the one referred to in paragraph 6 will be obtained by the paying branch from the recipient before the family pension is paid.

15.2 The paying branch will also advise the Treasury Officer, through the link branch, the date of the pensioner's death and commencement of payment of family pension keeping record under intimation to the Director Pension/Accountant General.

Cessation of Pension:

16. When pension ceased to be payable to a pensioner recipient of a family pension on death etc. the paying branch will make necessary entries in the PPO and its records and return it to the Treasury Officer through the link branch. The latter will likewise amend its records.

Renewal of Pension Payment Order:

17. Whenever a pension payment order is required to be renewed due to mutilation, tearing and defacement, the paying branch may send the PPO to the Treasury Officer through link branch for renewal and return. The paying branches will not be required to send disburser's portion of the PPOs to the Treasury Officer for renewal where all the pages for recording disbursements have been used up; continuation sheets will be added by the paying branches themselves. A suitable entry will be made by the paying branch on the P.P.O. (disburser's portion) whenever a continuation sheet is added specifying the number of pages available on the sheet.

Indemnification by the Bank :

18. The Bank (s) will indemnify the Government against any wrong or over-payment to pensioners and execute necessary indemnity bond being prescribed for the purpose. To safeguard their own interests, the Bank (s) will obtain an undertaking from the pensioner that excess payment credited to the accounts of the pensioners can be recovered by the Bank. Such undertaking will be accepted by the Banks on plain papers.

Inspection/Audit of accounts, records and register by Accountant General or his nominee or the Treasury/Sub-Treasury Officer:

19. The accounts, records and registers maintained in the paying branches of the Bank (s) shall be open to Audit by the Accountant General or his nominee or the Treasury/Sub-Treasury Officer.

19.1 The relevant provisions of the Rajasthan Treasury Manual may be deemed to stand amended to the above extent.

20. Payment of pension to pensioners of other State Government :

20.1 The scope of the scheme is extended with effect from the pensions for the month of April, 1982 (payable on or after 1st May, 1982) to cover the pensioners of Bihar, Madhya Pradesh, Punjab, West Bengal, Orissa, Haryana, Himachal Pradesh, Gujrat, U.P., Goa, Daman & Diu and Meghalaya, Maharashtra Governments including pensioners in receipt of family pension who are drawing pension from any Treasury/Sub-Treasury in Rajasthan or who want to draw pension in Rajasthan State. The procedure for the switch over from the Treasury to the Bank for purpose of payment of pension will be the same as prescribed in the relevant paragraphs of this scheme.

20.2 The payments made in the public sector Bank will be distinctly shown by the Bank in the payment scrolls against the State Government to whom the payment is debitable. The payment will, however, be initially taken against the cash balance of the Rajasthan Government.

20.3 The payment made on behalf of other State Governments will be consolidated by the Accountant General, Rajasthan with reference to the payment scrolls received through the Treasury Officers and reimbursement of the amounts so paid shall be obtained from the concerned Accountant General. The instructions for carrying out inter State adjustments will be mutatis mutandis observed in this respect.

¹"The Scheme for payment of pension to State Government pensioners through authorised Public Sector Banks was introduced vide F.D. Order No.F.6(11)FD(R&A)/76 dated 10.06.1977. It was envisaged at para 3 of the Appendix VI of the Scheme that pension will not be paid through a "Joint" or an "either or survivor" account. The pensioner should open an account in his/ her sole name for the purpose.

2. The matter of payment of pension through Joint Bank account of pensioner with his/ her spouse was under consideration of the Government. After careful consideration it has been decided to permit credit of pension into the joint account operated by pensioner with his/ her spouse in whose favour an authorisation for family pension exists in the Pension Payment Order (PPO). This facility would, however, be subject to the following terms and conditions: -

- (a) Once pension has been credited to a pensioner's bank account, the liability of the Government / Bank ceases. No further liability arises, even if the spouse wrongly draws the amount.
- (b) As pension is payable only during the life of a pensioner, his/ her death shall be intimated to the bank at the earliest and in any case within one month of the demise, so that the bank does not continue crediting monthly pension to the joint account with the spouse, after the death of the pensioner. If, however, any amount has been wrongly credited to the joint account, it shall be recoverable from the joint account and / or any to her account, held by the pensioner / spouse either individually or jointly. The legal heirs, successors, executors etc. shall also be liable to refund any amount, which has been wrongly credited to the joint account.
- (c) The provisions of Rule 59 of Rajasthan Civil Services (Pension) Rules, 1996 relating to "Nominations" would continue to be applicable to a joint account with the pensioner's spouse. This implies that if there is an 'accepted nomination' in accordance with Rules 59(8) of these rules, arrears mentioned in the Rules shall be payable to the nominee.

3. Existing pensioners desiring to get their pension credited to a joint account as indicated above are required to submit an application to the branch bank, from where they are presently drawing pension in the enclosed form. This would also be signed by the pensioner's spouse in token of having accepted the terms and conditions laid down in this Office Order. These instructions are also applicable to the Government servants who will be retiring after the issue of this Office Order.

4. Rule 3 of the existing scheme shall stand modified to the extent indicated above. The requirement of annual life certification about the pensioner shall continue.

5. The authorised Public Sector Banks disbursing pension to the State Government pensioners are requested to give wide publicity to the office order so that pensioners may avail of this benefit.

1 Inserted vide FD order No. F.7(7)FD/R&A/94 dated 22.09.2006.

To,

The Branch Manager,

_____ (Bank)

_____ (Branch)

_____ (Address)

Sub.: - Payment of pension under PPO No. _____ through your bank branch.

Dear Sir/ Madam,

I wish to receive my pension under PPO No. _____ by getting it credited to the saving / current bank account No. _____ which is operated jointly in your branch by me and my spouse, Mr. / Mrs. _____ in whose favour an authorisation for family pension exists in the Pension Payment Order (PPO).

I have read and understood the contents of the Government of Rajasthan, Finance Department Order No. _____ dated _____ which contains the following terms and conditions: Once pension has been credited to a pensioner's bank account, liability of the Government/ Bank ceases. No further liability arises, even if the amount is wrongly drawn by the spouse.

- (a) As pension is payable only during the life of a pensioner, his/ her death shall be intimated to the bank at the earliest and in any case within one month of the demise, so that the bank does not continue crediting monthly pension to the joint account with the spouse, after the death of the pensioner. If, however, any amount has been wrongly credited to the joint account, it shall be recoverable from the joint account and / or any other account held by the pensioner/ spouse either individually or jointly. The legal heirs, successors, executors etc. shall also be liable to refund any amount, which has been wrongly credited to the joint account.
- (c) The provisions of Rule 59 of Rajasthan Civil Services (Pension) Rules, 1996 relating to nominations would continue to be applicable to the joint account with pensioner's spouse. Thus, if there is an 'accepted nomination' in accordance with Rule 59(8) of these Rules, arrears mentioned in the Rules shall be payable to the nominee.

I accepted the above terms and conditions. My spouse too, in token of having accepted those terms and conditions, has put his/ her signature below.

1. Signature of Pensioner

2. Signature of Spouse"

ANNEXURE I

Application for drawal of pension through Public Sector Banks

(To be submitted in duplicate)

To

The Treasury/Sub-Treasury Officer
(place)

Sir,

I opt to draw my pension through public sector bank and give below necessary particulars to enable you to make arrangements in this regard—

1. Particulars of pensioner :-

(a) Name

(b) P.P.O. No.

(c) Present Address

2. Particulars of authorised PSB :

(a) Name

(b) Branch where payment desired

3. *Pensioner's S.B./Current Account No. at the Branch to which pension is to be credited.

Yours faithfully,

Place :

Date :

(Pensioner)

*(Not 'Joint' or 'Either or Survivor' account etc.)

**Pensioner's Specimen Signature
FOR USE IN TREASURY**

Forwarded to the Manager/Agent.....
(Link branch of PSB)

The disbursers half / both halves of Shri / Smt/Kumari bearing PPO NO..... is/are sent herewith. The pensioner has been paid pension for the period upto the month of..... Pension due from the month of.....is to be arranged by the Bank.

Treasury Officer,
(With his seal)

Station:

Date

ANNEXURE II

**Index Register of pension payment authorised
through branches of the Bank (s).**

Name of the Pensioner	No. of PPO	Monthly amount of pension (basic pension and relief to be shown separately).
1	2	3

Branch at which the payment is to be made	Date from which pension payment will commence.	Remarks
4	5	6

- 1.
 - 2.
 - 3.
 - 4.
-

Note :- Each entry should be attested by the nominated officer of the link branch of the Bank (s).

ANNEXURE III

Register of payment of pension

Name of the Pensioner	No. of the pension payment order (PPO)	Period for which the pension is paid	Amount of the pension (basic pension and relief to be shown separately).	
1	2	3	4	
Recovery of over-payment if any.	Income-Tax deduction	Net amount paid	Allocation of pension as indicated in the PPO	Remarks
5	6	7	8	9
1.				
2.				
3.				

Note :- Each entry should be attested by the nominated officer of the branch at which the payment is made.

ANNEXURE IV

I. LIFE CERTIFICATE

Certified that I have seen the pensioner.....
(Name of the Pensioner)

holder of Pension Payment Order No..... and that he is alive on this date.

Place:	Name
Date:	Designation of Authorised Officer (Seal)

II. NON-EMPLOYMENT CERTIFICATE

a) I declare that I have not received any remuneration towards employment/re-employment / absorption either permanently or temporarily in a Central/State Government Department or a Central/State Government Company, Corporation, Undertaking Autonomous body, Statutory body, Local Body, Co-operative Society, Institution etc. wholly or substantially owned or controlled by the Central/State Government or in which the Government has substantial financial interest or is receiving Grant-in-aid from the Government to meet its administrative expenditure or in Reserve Bank of India or in a Public Sector Bank or in GIC/LIC etc. during the year ended October, 19.....

b)* I declare that I have accepted commercial employment after obtaining sanction of the Government (to be furnished by State Service Officers during first two year from the date of retirement).

c)* I declare that I have/have not accepted any employment under any Government outside India after obtaining/without obtaining sanction of the Government (to be furnished by State Services Officers only)

Place:-	
Dated:	Signature..... Name of Pensioner..... PPO NO.....

(* delete to whichever is not applicable)

III. CERTIFICATE OF RE-MARRIAGE/NON-MARRIAGE

I hereby declare that I am not married/I have not been married during the past six months.

OR

I hereby declare that I have not been re-married and undertake to report such an event to the Treasury/Bank.

Place: Signature
Date: Name of the Pensioner
PPO.No.....

I certify to the best of my knowledge and belief that the above declaration is correct.

Place: Signature of the responsible
Date: Officer or a well known person
Name.....
Designation.....

ANNEXURE V

FORM OF APPLICATION FOR FAMILY PENSION

Application for a family pension for the family of late Shri/Smt.....
(Designation) in the Office/Department of

1. Name of the applicant.
2. Relationship to the deceased
Government servant/pensioner.
3. Date of retirement, if the deceased
was a pensioner.
4. Date of death of Government
servant/pensioner.
5. Names and ages of surviving
kindred of the deceased.

Name

Date of birth

Widow/Widower

Sons

Unmarried Daughters.

6. Name of Treasury/Sub-Treasury/
PSB branch at which payment is
desired.
7. Signature of left-hand thumb
impression (in the case of those
are not literate enough to sign
their names).
8. Descriptive roll of.....
widow/widower/guardian of the
minor children of late.....
 - (i) Date of birth
 - (ii) Height
 - (iii) Personal marks, if any on,
hand or face
 - (iv) Left-hand thumb & finger
impressions.
Small finger, Ring finger,
Middle finger, Index finger,
Thumb

9. Full address of the applicant:

Attested by

Witness

(1) _____

(1) _____

(2) _____

(2) _____

Note:- The descriptive roll (column 8) and signature or left hand thumb and finger impressions accompanying application for family pension should be in duplicate in two separate sheets and attested by two gazetted officers or persons of respectability in the town, village or pargana in which the applicant resides.

ANNEXURE VI

RULES FOR THE PAYMENT OF PENSIONS TO FREEDOM FIGHTERS AND THEIR DEPENDENTS THROUGH PUBLIC SECTOR BANKS

The Government of Rajasthan have decided to extend the facility of drawal of Pension through Public Sector Banks to Freedom Fighter Pensioners under the Rajasthan State Freedom Fighters Rules, 1959 for which the following Rules are inserted in the Scheme for payment of pension to Rajasthan Government Civil Pensioners by Public Sector Banks viz. State Bank of India, State Bank of Bikaner and Jaipur, Bank of Baroda, Punjab National Bank, Central Bank of India, United Commercial Bank, Union Bank of India, at the places where the branches of these banks exist in the State:-

1. These Rules may be called 'Payment of Pensions to Freedom Fighters and their dependents through Public Sector Bank's Rules, 1984'.

2. They shall come into force with effect from 1.4.1984.

3. These Rules will cover all Freedom Fighter Pensioners and their dependents who have been sanctioned pension by the Government of Rajasthan as well as to those who may be sanctioned pension here-after.

4. The pensioners who are desirous of availing of this facility will submit their application (in duplicate) immediately to the Treasury Officer from whom they are currently drawing their pension. The application form (Annexure-I to the existing scheme for Civil Pensions) provides for furnishing of the following particulars by the pensioners:-

1. Name and address.

2. P.P.O. Number

3. Branch of the Public Sector Banks where payment is desired.

4. Savings/Current Account No.

5. The pensioners will have to open in their individual name Savings/Current account in the Bank from where they wish to draw their pension. No bills will be required to be submitted. The amount of monthly pension will be credited by the Public Sector Banks to the pensioners individual Saving/Current account at the branch of their choice. Pensions will not be payable in cash or into a "Joint" or an either or "Survivor" account under the scheme.

6. Personal identification has been done away with except for the first payment at the Branch of the Public Sector Banks. The Pensioners would be required to furnish relevant certificate as required under the scheme. The scheme would also cover payment of dependent pension. The life certificate will be furnished by each pensioner each year in the month of April in the proforma appended. The certificate shall be signed by the Officers of the authorised Public Sector Banks and Reserved Bank of India.

7. No adhoc relief/increase in pension as admissible to other State Government pensioners, is admissible to Freedom Fighter Pensioners.

8. The certificate of income, certificate about non-drawal of similar pension from any other treasury in India and certificate about non-employment are not required under the scheme.

9. The Bank will prepare separate scroll for payments of pensions to Freedom Fighters & their dependents.

10. In case, a living freedom fighter has not made any nomination, he may be advised that the details of their nomination alongwith other documents & photograph, affidavit etc., duly verified and attested from the District Magistrates shall be furnished to the pension disbursing officer before entries are made in pension payment order.

Other provisions incorporated in F.D. Memo No.F.6(11)FD/R&AI/76 dated 10-06-1977 wherein applicable will mutatis apply to the above pensioners also.

LIFE CERTIFICATE

Certified that I have seen the pensioner.....
(Name of the Pensioner)

holder of Pension Payment Order No..... and that he is alive on this date.

Place:

Name

Date:

Designation of Authorised

Officer (Seal)

APPENDIX VII

Rules regulating the incidence of Pay, Allowances, Pension etc. between the Rajasthan Government and the Central Government and other State Governments and vice versa.

I - ON DEPUTATION

1. While on deputation.-

The incidence of leave salary and pension contribution etc. of Government servants on deputation to the Central Government or other State Governments and vice versa, shall be as under:

(i) The liability for leave salary will be borne in full by the Department from which the Government servant proceeds on leave whether it be his parent Department or a borrowing Department with whom he is on deputation.

The system of allocation or sharing of the liability on account of leave salary contribution by State Government to Central Government or vice versa or by State Government to other State Governments or vice versa as prevalent so far, shall be dispensed with.

(ii) The liability for pension including gratuity will be borne in full by the Central/State Government to which the Government servant permanently belongs at the time of retirement. No recovery of proportionate pension will be made from Central/State Government under whom he has served.

(iii) The liability for Government contributions towards Contributory Provident Fund will be borne by the parent Department of the Central or State Government and no share of contributions will be recovered from the borrowing Department.

(iv) In lieu of Central Government's liability towards pension of State Government officers (mainly All India Service Officers) who are deputed to Centre for varying spell's, an adhoc grant shall be paid by the Central Government to the State Government at the beginning of the year in one lump sum as Grant in aid (Non Plan).

II-On permanent Transfer

(a) Permanent employees.

2. Arrangements with Central Government.-

The incidence of pension including gratuity in respect of permanent employees transferred permanently to Central Government or vice versa shall be borne in full by the Central/State Government to which the Government servant permanently blongs at the time of retirement. No recovery of proportionate pension will be made from the Central/State Government under whom he has served.

3. Arrangements with State Governments.-

The provisions contained in para 2 above shall also be applicable in case of those State Governments who mutually agree to the same.

(At present the Governments of Madhya Pradesh, Karnatka, Maharashtra, Gujrat, Punjab, Bihar, Andhra Pradesh, Tamilnadu, Kerala, Assam, West Bengal, Utter Pradesh & Orissa have agreed to these arrangements).

(b) Permanent employees through open competition.

4. Arrangements with Central Government.-

Where a Government servant is appointed to a post through Open competition and-

(i) he is not required to resign his previous appointment; and

(ii) the Government under whom he was employed prior to his appointment through open competition agree to retain his lien until he is finally absorbed by the latter Government; the rules relating to incidence of pension including gratuity as given in para 2 above shall also apply.

5. Arrangements with State Governments.-

The arrangements contained in para 4 above shall also be applicable in case of those State Governments who mutually agree to these provisions.

(At present Karnataka, Maharashtra, Bihar and Assam Governments have agreed to these arrangements.)

(c) Temporary employees.

6. Arrangements with Central Government :-

(1) Pensionary liability in respect of the following categories of employees for the service rendered under the Central Government, to the extent such service would have qualified for grant of pension under the rules of Central Government, will be borne in full by the State Government if such Government servant is permanent under the State Government at the time of retirement:-

(a) In respect of employees who while holding temporary post under the Central Government applied for the post under the State Government through proper channel/with proper permission of Administrative Authority concern.

(b) Those who having been retrenched from the service of the Central Government secured on their own, employment under State Government either with or without interruption between the date of retrenchment and date of new appointment;

(2) The gratuity, if any, received by the aforesaid Government employee for temporary service under the Central Government will have to be refunded by him to that Government. No recovery of proportionate pension will be made from the Central Government under whom he had served prior to securing post under the State Government.

(3) The benefit under para (1) above would however not be available to those Government servants who applied for post under the State/Central Government direct without permission of the Administrative Authority concerned and resigned the previous post to join the new appointment under the State/Central Government.

(4) Where an employee in category 1(a) above is required for administrative reasons for satisfying a technical requirement, to tender resignation from the temporary post held by him before joining the new appointment, a certificate to the effect that such resignation had been tendered for administrative reasons and/or to satisfy a technical requirement, to join with proper permission, the new posts, may be issued by the authority accepting the resignation. An entry of this certificate may be made in his Service Book. Such a certificate will entitle the Government servant to get the benefit envisaged in this rule.

(5) The arrangement envisaged in this rule shall also be similarly applicable in case an employee of Rajasthan Government is appointed to the Central Government.

7. Arrangement with other State Government:-

The arrangements envisaged in para 6 above shall also be applicable in respect of those State Governments who mutually agree on reciprocal basis in respect of temporary service and subject to the conditions laid down therein.

(At present the Government of Gujrat, Himachal Pradesh, Kerala, Maharashtra, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and Goa have agreed to the above arrangements.)

APPENDIX VIII

INSTRUCTIONS FOR HEAD OFFICE/DEPARTMENT FOR TIMELY FINALISATION OF PENSION CASES.

A - ACTION BY APPOINTING AUTHORITIES : -

(1) Preparation of list of Government servants due for retirement within next 24 to 30 months, to be prepared six monthly in January and July each and forwarding the same to the Director, Pension Department, alongwith copies of Head of offices concerned for further action for preparation of pension cases and ascertaining/clearing of dues.

(2) Issue of retirement order one year in advance of the date of retirement of the Government servant individually, in form 6 to R.C.S. (Pension) Rules, 1996. (See GRD below Rule 78).

The order should contain a certificate of "No Departmental Enquiry under rule 16 of C.C.A. Rules is pending" or otherwise.

(3) In case the Government servant to be retired is an officiating Government servant, issue a certificate for counting officiating pay for emoluments under Rule 45 (note 3) that the appointment has not been made in leave vacancy or to hold additional charge of the post, in form 32, one year in advance and forward the same to the Head of office to record it in the service Book of the Government servant concerned.

If the officiating appointment is ordered after issue of the retirement order, the required certificate may be sent to the Head of Office immediately after the appointment is made.

(4) If after issue of retirement order, or no D.E. certificate, or officiating appointment certificate, there is any event having a bearing on the amount of pension, immediately inform the Head Office concerned, Director Pension Department, Pension Disbursing Authority etc. (See rule 83 of R.C.S. (Pension) Rules , 1996).

B - HEAD OF DEPARTMENT : -

(1) Action as at A (1) above about preparation of list of Government servants due to retire within next 24 to 30 months.

(2) Monitoring of disposal of pension cases and following of calendar prescribed for preparation of the same, as prescribed in GRD 3 below Rule 93.

Form 26 (Statements 1 to 4), of R.C.S. (Pension) Rules,1996.

C - HEAD OF OFFICE.-

(1) Verification of the service rendered by a Government servant and intimation of the same to him in Form 24 in case he has completed 25 years of service or 5 years are left to his retirement, as required under rule 29 of Pension Rules, to be issued in consultation with the senior most member of the Rajasthan Accounts Service posted in the Department.

Two years before the date of retirement:

(2) Undertaking the work of preparation of pension papers in Form 7.

(3) Obtaining of application or certificate in Form 27 or 27 A from the Government servant for No Demand Certificate in respect of Government accommodation.

(4) Forwarding Form 27 with a list of retiring Government servants to the Directorate of Estates/Public Works Department, for needful.

(5) Obtaining of application or certificate in Form 28 or 28A from the Government servant for No Dues Certificate in respect of long term advances.

(6) Forwarding Form 28 alongwith a list of retiring Government servants to the concerned Treasury Officer for needful.

(7) Undertaking verification of Service by scrutinising the Service Book and records-

(i) See that certificates of verification for the entire service are recorded in the Service Book or not.

(ii) In respect of unverified portion (s) of Service-

(a) Verify with reference to Pay Bills, acquaintance roll and other relevant records;

(b) Refer to other Heads of Offices if the period of unverified service relates to that Office;

(c) In cases other than those covered in (a) and (b) above, ask the Government servant if he so desires, to file a written statement in Form 9 alongwith all available documents and information;

(d) On satisfaction, issue orders for admitting the service in cases covered in (c) above, in Form 9 and record entries in the Service Book.

(8) Identify any other omission, deficiency or imperfection in the Service Book having a direct bearing on determination of Emoluments and Service qualifying for pension.

(9) In case of Gazetted Government servants appointed before 31.12.1974, see that the History of Service issued by the Accountant General is either attached with the Service Book in original or pasted on the Service Book.

(10) Determination of Emoluments for pension.-

(i) If fixation of pay in various pay scales is outstanding, it should be got expedited.

(ii) Obtain a certificate in the Service Book from the senior accounts personnel in the Office that all the fixations made from time to time are correct and the pay being drawn is also correct.

(iii) In case the Government servant is an officiating Government servant, record a certificate in the Service Book after obtaining the same from the Appointing Authority that the officiating appointment has not been made in leave vacancy or to hold additional charge, for counting officiating pay for Pension, as required under note 3 to Rule 45 in form 32 of R.C.S. (Pension) Rules, 1996.

(11) Date of birth-

(i) See that the Date of birth is properly recorded in the Service Book;

(ii) Any alteration in the date of birth recorded bears the approval of the competent authority and a copy of the order is available in Personal File:

- (iii) Ensure that there is no change in the date of birth after 31.12.1978, without Government's approval.
- (iv) If the appointment has been made at advanced age, i.e. overage, obtain approval of the Government under rule 8 of Rajasthan Service Rules, if not already done. (Pension case however need not be held up for want of this approval, vide F.D. Order No.F.1(77) FD(Gr.2)/69 dated 15.9.1975).

(12) Foreign Service.-

- (i) If the Government servant was on foreign service, whether the pension contribution has been received from the borrowing authority and entry to this effect made in the Service Book by the Director, Pension Department.
- (ii) If the period of foreign service is such where the pension contribution is to be paid by the Government servant himself, ensure that he has deposited the same and entry in the Service Book made by the Director Pension Deptt.

(13) Suspension.-

In case the Government servant has been reinstated after suspension, entry to the effect whether the suspension period will count for qualifying service or not, has been made in the Service Book mentioning Order Number and date.

(14) Extra Ordinary Leave.-

If Extraordinary Leave is taken on Medical Certificate, or for Higher Studies or due to Civil Commotion/natural calamities, orders of the competent authority counting the leave period for pension are recorded in the Service Book giving reference of Order Number and date.

(15) Action to expedite regularisation of the period of service, if any, under consideration which will have material effect on the determination of qualifying service, may be taken.

(16) Examine if there is any interruption in Service resulting in forfeiture of past service. Take steps for condonation, if the same is reasonable and covered under the rules.

(17) In case the retiring employee was a work charged employee before absorption/appointment to regular post in the Government, option in Form 4A opting for pension in lieu of CPF benefits is pasted in the Service Book.

Entry to the effect that employer's share of CPF balance has been deposited in the Government Account and Transfer Entry passed by the State Insurance/Provident Fund Department, has been recorded in the Service Book.

(18) Obtain nomination for Retirement/Death gratuity in Form 1 or 2 in case it is not already obtained. Make an entry in the Service Book as per Rule 59 of RCS (Pension) Rules, 1996.

(19) Whether details of Family in Form 3 have been pasted in the Service Book and whether subsequent changes notified if any have been recorded.

(20) One year before the date of retirement:-

Obtain copy of retirement orders and no D.E. certificate from the Appointing Authority, if not received by then.

(21) Eight months before the date of retirement:-

- (i) Obtain Form 5 and Form 5 A (in triplicate) from the Government servant, duly completed, as required under Rule 81 of Pension Rules.

Obtain three copies of specimen signature; joint photograph duly attested; slips showing particulars of height, personal identification marks duly attested; address etc.

- (ii) Action under para C points (2) to (21) to be completed eight months prior to the date of retirement.

(22) Six months before the date of retirement:-

- (i) Complete Part I of Form 7
- (ii) Forward the pension papers to the Director, Pension Department, Form 5, 5A and 7 alongwith a covering letter in Form 8, Service Book and other documents mentioned therein.
- (iii) Ensure sending of all enclosures and documents as mentioned in Form 7 and Form 8 of Pension Set.
- (iv) Obtain a declaration from the Government servant giving his consent for recovery of dues, if any, from pension or retirement gratuity.
- (v) Retain a Copy of set of pension papers with enclosures sent to the Director, Pension Department.
- (vi) Retain an attested copy of P.L. Account for grant of encashment benefits at the time of retirement.
- (vii) Obtain application from the Government Servant in Form I to Commutation Rules, if the Government servant desires to commute a portion of pension without medical examination.
- (viii) Obtain nomination for the payment of arrears and commutation of pension, if the Government servant desires to submit, under Nomination Rules, 1996

(23) Two months before the date of retirement:-

Furnish particulars of Government dues or no dues against the retiring Government servant to the Director, Pension Department as required under rule 85, after ascertaining and assessing them as per rule 92 of R.C.S.(Pension) Rules, 1996.

(24) Six months before and upto the date of retirement:-

Send immediate intimation to the Director, Pension Department, of any event having a bearing on the amount of pension, after forwarding of pension papers. In case, PPO/GPO has already been issued, ensure servicing a copy of the above intimation to the Pension Disbursing Authority also.

(25) Immediately on retirement: -

- (i) Issue a Final Last pay Certificate, endorsing it to the Director, Pension Department. Also give a copy of the same to the retiring Government servant for his future record.

- (ii) If the Government servant is likely to or have retired before his pension and gratuity or both have not been finally assessed and settled, whether pension papers have been prepared and sent to the Director, Pension or not and if sent, they have been returned by him with objection, then invoke the authority vested in you under rule 86 of R.C.S. (Pension) Rules, 1996, and sanction 100% provisional pension and 75% or 20% provisional retirement Gratuity, as the case may be, after assessing the qualifying service and emoluments by most careful summary investigation and after following the procedure laid therein.

D - IN CASE OF DEATH OF A GOVERNMENT SERVANT WHILE IN SERVICE :-

(26) On receipt of intimation of death of a Govt. Servant: -

- (i) Ascertain whether any death gratuity or family pension is payable;
- (ii) If death gratuity is payable, ascertain the person or persons to whom the gratuity is payable;
- (iii) Address the person (s) concerned in Form 10 or 11 for making a claim in Form 12.
- (iv) Address the person concerned to whom family pension is payable in Form 13 asking her/him to make a claim in Form 14.
- (v) Address the Directorate of Estates/P.W.D for issue of No Demand Certificate, in case Government accommodation was in occupation of the deceased Government servant.
- (vi) Address the Treasury officer concerned for issue of No demand Certificate in case of long term advances.
- (vii) Undertake completion of Form 18
- (viii) Service verification and determination of emoluments shall be completed within one month's time of the receipt of intimation regarding death of the Government servant and the amount of family Pension and Death Gratuity shall be calculated accordingly by complying procedure laid down in Rules 96 and 97.

(27) On receipt of claim in Form 14, forward Form 18 and 14 with a covering letter in Form 19 to the Director, Pension alongwith the Service Book duly completed and any other documents, within a month of receipt of claim. Form 18 may be forwarded even if the claim is not received.

(28) Ascertain and assess Government dues in terms of Rule 101 and draw the attention of the Director, Pension, to the same and the amount of gratuity to be withheld for adjustment of Government dues not assessed so far.

(29) Sanction Provisional Family Pension on receipt of the claim with necessary documents, after most careful summary investigations.

(30) After forwarding pension papers to the Director, Pension Department, also sanction for payment of provisional gratuity (75%) in accordance with Rule 99(2) of Rajasthan Civil Services (Pension) Rules, 1996.

APPENDIX IX

GRANT OF PRO RATA RETIREMENT BENEFITS TO GOVERNMENT SERVANTS PERMANENTLY TRANSFERRED TO PUBLIC SECTOR UNDERTAKINGS, AUTONOMOUS BODIES, ETC.

SECTION I - Permanent Transfer of Rajasthan Government Servants to the State Public Sector Undertakings and Autonomous Bodies.

SECTION II - Conversion of Government Department/Office into a State Autonomous Body or Public Sector Undertaking.

SECTION III - Transfer of State Government employees to Central Autonomous Bodies/ Statutory Bodies, and vice-versa.

SECTION IV - Formats.

SECTION V - Transfer of State Government employees to public enterprise under the control of the Government of India.

SECTION I

Permanent Transfer of Rajasthan government Servants to the State Public Sector Undertakings and Autonomous Bodies and Vice Versa.

The question of granting terminal benefits to the Rajasthan Government servants going over to the State enterprise/Autonomous Bodies and vice versa on immediate absorption basis has been under consideration of the Government and it has been decided that the appointment of Government servants in the State public enterprises/autonomous bodies and vice versa will henceforth be on following terms and conditions:-

(1) Release of the Government servants for appointment in the enterprises/bodies

- (i) A Government servant who has been selected for post in a State public enterprise/autonomous body will be required to give his/her technical resignation before his relief from Government. The Government servant may thereafter be relieved by the respective Department to take up appointment in the PSU/autonomous body. The relieving order should indicate the period within which the Government servant should join the Public Sector Undertaking/Autonomous Body. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official.
- (ii) The period between the date of relief and the date of joining PSU/autonomous body can be regulated by grant of leave due and admissible and if no leave is due, by grant of extraordinary leave. The case of grant of retirement benefits/leave should be processed only after ascertaining from the PSU/autonomous body as to whether the Government servant had actually joined them. Thereafter, the necessary notification/orders accepting the resignation of the Government servant from Government service from the actual date of his/her joining the PSU/autonomous body should be issued. Specimen of the relieving order to be made use of is given in Annexure I at the end of this Section.

(2) Retention of lien

No lien of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in an enterprise/body and he will not be allowed to revert to his parent cadre.

(3) Pay Fixation

A Government servant selected for a post in a State public enterprise/autonomous body will be free to negotiate his emoluments with the enterprise/body. On appointment to a post in a public sector enterprise/autonomous body on immediate absorption basis, a Government servant will be at par with other employees of the enterprise/body and will be governed by the rules of the enterprise/body in all respects.

(4) Pensionary benefits

- (i) Resignation from Government service with a view to secure employment in a State public enterprise/autonomous body with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to

receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

(ii) Pension and gratuity:-

(A) A Government servant eligible for pension and selected/absorbed in a State enterprise/autonomous body having a pension scheme should exercise an option within six months of the date of his resignation, for either of the following two alternatives:-

(a) either to count the service rendered under the Rajasthan Government for pension in public sector undertaking/autonomous body.

(b) or to receive pro rata retirement benefits for the service rendered under the Rajasthan Government.

The option shall be exercised in writing. The option once exercised shall be final. In case no option is exercised within the stipulated period the Government servant will be deemed to have opted in favour of sub clause (a) above.

(B) In case the Government servant opts in favour of sub-clause (a) of clause (A) above, he will be eligible to draw pension in accordance with the rules of the Public Sector Undertaking/Autonomous Body (organisation) for the combined service under the Rajasthan Government and that under the Public Sector Undertaking/Autonomous Body (organisation) on his final retirement from that body. If he resigns from service of the Public Sector Undertaking/A.B. (organisation), his resignation will be treated as resignation from Rajasthan Government service entailing forfeiture of past service including that under the Government and consequent loss of pensionary benefits for the combined service.

(C) In case the Government servant opts in favour of sub clause (b) of clause (A), he will have further option which will also have to be exercised along with the option referred to in clause (A) above :-

(a) either to receive pro rata monthly pension,

(b) or to receive a lump sum amount in lieu of monthly pension.

In case no specific option is indicated by him in this behalf, he will be deemed to have opted in favour of sub clause (a) of this clause.

(D) In the event of his option in favour of sub-clause (a) of clause (C), he will draw pro rata pension and retirement gratuity for the service rendered under the Government. He will also be eligible to commute upto one-third of his pension.

(E) If he opts in favour of sub clause (b) of clause (C), he will receive lump sum amount in lieu of pro rata pension; in addition to the retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the R.C.S. (Commutation of Pension) Rules, 1996, applicable on the date of his cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(F) The provisions of option under clauses (C), (D) and (E) shall also apply to a Government servant selected for appointment/absorption in a Public Sector Undertaking/ Autonomous Body having no pension scheme.

(G) Calculation of pro rata retirement benefits:-

The retirement gratuity and pro rata pension will be calculated in accordance with the Rajasthan Civil Services (Pension) Rules, 1996.

NOTE: - The benefit of the scheme of voluntary retirement as embodied in Rules 50 to 52 of the R.C.S. (Pension) Rules, 1996, will not be admissible in such cases.

(H) Date of payment of pro rate retirement benefits:-

The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his permanent absorption/date of resignation. The amount of pro rata monthly pension wherever applicable will also be payable from the date following the date of cessation of service under the Rajasthan Government.

(I) Limitation as to the total amount of gratuity:-

The total gratuity admissible in respect of the service rendered under the Government of Rajasthan and that under the Public Sector Undertaking/ Autonomous Body shall not exceed the amount that would have been admissible, had the Government servant continued in Government service and retired on the same pay which he drew on retirement from Public Sector Undertaking/ Autonomous Body.

(J) Effect of Liberalisation of Pension/Gratuity Rules after absorption:-

Any further liberalisation of pension/gratuity rules decided upon by the Government of Rajasthan in respect of its employees after the permanent absorption/date of resignation of a Rajasthan Government servant to join PSU/Autonomous Body, will NOT be extended to him in case he has opted to receive a lump sum amount in lieu of pension and the permanent absorption/resignation has taken place from a date prior to the date from which rationalisation/ liberalisation in pension rules has been given effect to by the Rajasthan Government.

(K) A Government servant who opts for pro rata monthly pension on his resignation from Government service will not be entitled to Dearness Relief/ Interim Relief on pension during his service in public sector enterprise/ autonomous body.

(5) Leave

A Government servant taking up an appointment in a State public enterprise will be entitled to encashment of privilege leave to his credit at the time of acceptance of his resignation from Government service, subject to a limit of 240 days. Half pay leave will stand forfeited.

(6) Family Pension

The family pension entitlements will be regulated as under:-

- (A)**
- (i) The Government servant shall have an option to be governed either by the Family Pension Scheme of the Rajasthan Government or by that of the Public Sector Undertakings/Autonomous Bodies, BUT NOT BOTH. However, the benefit of Family Pension Scheme of the Rajasthan Government will be available only to such of the Government servants who are permanent and have a qualifying service of not less than ten years; and
 - (ii) the liability of the Rajasthan Government in this regard will be frozen as on the date of permanent absorption/resignation of the individual employees; that is to say, the amount of family pension payable will be

calculated with reference to the pay drawn and the rules in force on the date of permanent absorption/resignation.

- (B) The employees who opt for the Family Pension Scheme of the Rajasthan Government will have to seek exemption from the operation of the provisions of the Employees' Family Pension Scheme, 1971, under Section 17(1-C) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, the concerned employees should submit a formal application for exemption to the Central Provident Fund Commissioner through their employers, i.e. the concerned Public Sector Undertakings/ Autonomous Bodies.

NOTE:- The family will not be eligible for any benefit under the family pension scheme of the Rajasthan Government if the Government servant is not permanent and also does not have a qualifying service of not less than ten years, on the date of absorption.

(7) Benefits after permanent absorption.-

For the period of service rendered in a public sector undertaking/autonomous body from the date of absorption, the absorbed employees will be entitled to all the benefits admissible to other corresponding employees of the organisation and continue to be governed by its rules in all respects.

(8) Provident Fund.-

The amount of subscription towards the General Provident Fund together with interest thereon standing to the credit of the employee in the G.P.F. Account shall not be paid to him but shall be transferred, with the consent of that body, to his new Provident Fund Account under that body.

In cases where the corporate bodies do not have any Provident Fund Scheme or whose Provident Fund Rules do not provide for the acceptance of balance from other Provident Funds, the amount in question should be finally paid to the person concerned at the time of his permanent transfer to such a body. Once such a transfer of Provident Fund balance has taken place, the concerned employee will be subject to the Provident Fund Rules of the organisation and not the Provident Fund Rules of the Government of Rajasthan.

(9) Procedure for drawal of pro rata retirement benefits.-

- (i) Since the Government servants are deemed to have retired from Government service on the date of absorption, the procedure laid down in Chapter VI of R.C.S. (Pension) Rules, 1996, which applies to Government servants who retire in normal course, should mutatis mutandis apply in the case of Government servants who are absorbed in a public sector undertaking or in an autonomous body. The disbursement of the retirement benefits should be authorised from the date indicated in Government's letter allowing the Government servant to be absorbed in public sector undertaking or autonomous body.
- (ii) In respect of both gazetted and non-gazetted employees, Form 7 of R.C.S. (Pension) Rules, 1996, should be filled in by the Head of Office and forwarded to the Director, Pension Department, for determining final amount of pension and retirement gratuity. Where the retirement benefits are payable from the date of absorption, the Head of Office should obtain the particulars required under Form 5 and Form 5A and forward the same to the Director, Pension Department, alongwith the pension papers. The Director, Pension

after applying the necessary checks, will inform the absorbed employee, autonomous body/public sector undertaking and the Head of Office of the amount of pension and Retirement Gratuity and the date from which they are payable to him.

- (iii) The procedure laid down in Chapter VI of R.C.S. (Pension) Rules, 1996, may be adopted keeping in view the position stated in this Section. The provisions contained in Chapter VI for authorising payment of provisional pension and three fourth of the Retirement Gratuity by the Head of Office need not be observed in the case of an absorbed employee. Payment of the retirement benefits will be received by the employee concerned from the treasury of his own choice.
- (iv) In the case of Government servants who opt for the alternative (a) of para (4) (ii) (C) above, the payment of monthly pension will commence from the due date pending their medical examination in accordance with the provisions of the R.C.S. (Commutation of Pension) Rules, 1996. The commutation shall become absolute and the title to receive the commuted value shall accrue on the date on which the Medical Board (Authority) signs the medical certificate. If the Medical Board (Authority) directs that the age of the employee for the purpose of commutation shall be assumed to be greater than his actual age, the person concerned will have the opportunity to change his option for receiving a lump sum in lieu of monthly pension to receiving the monthly pension by written notice despatched within two weeks from the date on which he receives intimation of the finding of the Medical Board (Authority). If the applicant does not change his option within the period of two weeks prescribed above, he shall be assumed to have accepted the findings of the Medical Board (Authority).

NOTE:- The reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Director, Pension, for the payment of commuted value of pension, whichever is earlier under the R.C.S. (Commutation of Pension) Rules, 1996.

- (v) The pensionary liability in cases of absorbed employees who opt for counting the service rendered under the State for pension in Public Sector Undertaking/ Autonomous Body, will be allocated on the basis of length of service. The Government of Rajasthan would discharge their liability by payment of capitalised value of their share of pension together with the share of gratuity, if any, to the autonomous organisation on retirement of the officer from the service of such an organisation. Similar procedure should apply in the event of death of an officer while in service of the autonomous organisation. In other cases Government's liability will be discharged by way of payment of pro rata retirement benefits for the part of service rendered under the Government before absorption.

(10) Procedure for payment of family pension.-

- (i) In the case of normal retirement, family pension to the spouse is authorised in the PPO for service pension itself but in the case of retirement on absorption in an autonomous body or a public sector undertaking where the person absorbed has opted to receive that lump sum amount in lieu of full pension, no PPO for service pension is required to be issued. In such cases only a report on the admissibility of family pension will be sent by the Director Pension Department to the concerned Department in which he was serving

before absorption, the public sector undertaking/autonomous body in which absorbed and the Government servant concerned.

- (ii) In the case of Government servants who have opted for Rajasthan Government family Pension Scheme, the Administrative Department on receipt of death report from the beneficiary will send the necessary intimation to the Director, Pension Department and the latter will issue the PPO for family pension. In case the person concerned had opted for the family pension scheme of the organisation concerned where he was permanently absorbed, it will be the duty of that organisation concerned to initiate action for authorising family pension and the Director, Pension Department, Rajasthan, will not come in the picture.
- (iii) It will be the responsibility of the pension sanctioning authority to process the claim for family pension, forwarding to the Director, Pension Department, for issue of an authority after satisfying itself that the person concerned had opted for Rajasthan Government Family Pension Rules and has sought exemption from the Central Provident Fund Commissioner, where necessary.

NOTE.- Under Section 10(10-A) (i) of Income Tax Act, 1961 both the commuted value of one-third of pension referred to in (D) and the terminal benefits referred to in (E) of para 4 above, are exempt from income tax. (Central Board of Direct Taxes, Circular 286 F.174/79/80-II (AI), dated the 17th November, 1980, circulated under G.I. M.H.A. (DP&AR) O.M.No.4(1)-PU/81, dated the 28th August, 81. This note is an extract from C.C.S. (Pension) Rules, 1972-Section II of Appendix 12, 1993 edition of Swami's Compilation of Pension Rules.

(11) For the purpose of these instructions immediate absorption means acceptance of resignation of a Government servant from Government service to enable him to take up an appointment in a Rajasthan Public enterprise/autonomous body for which he had applied with proper permission.

(12) Since the terminal benefits mentioned above are admissible only to those Government Servants who leave Government service to secure employment in the enterprise/body with proper permission, a case of grant of these benefits may be processed only after ascertaining from the enterprise concerned that the Government servant has actually joined them.

(13) The stipulation of 'immediate absorption' will apply to all appointments of Rajasthan Government servants in the Rajasthan public enterprises/autonomous bodies, irrespective of the level of appointment, the mode of recruitment, and whether an appointment is in public interest or otherwise.

(14) For the purpose of these orders -

- (i) a State public enterprise is an undertaking wholly or substantially owned by the Government of Rajasthan and which is accepted as such by the Rajasthan Bureau of Public Enterprises;
- (ii) a State Autonomous Body is generally a non-profit making organisation which is financed wholly or substantially from cess or State Government grants. "Substantially" means that more than 50% of the expenditure of the autonomous body is met through cess or State Government grants. An autonomous body may be a society registered under the Societies Registration Act, 1860 or a statutory body or a State University having its own governing council whose memorandum of association/by-laws, etc., contain

provision for complying with Government directives for carrying out its business in achieving the objectives for which the organisation is established.

(15) The terminal benefits enumerated in paras (1) to (6) above will be admissible to all Rajasthan Government servants, who secure appointments to State Public Sector enterprises/autonomous bodies, with proper permission. A Government servant selected for appointment in an enterprise on the basis of an application submitted by him before joining the Government service will be deemed to have applied with proper permission for the purpose of these orders.

(16) All cases of grant of pensionary benefits, etc., to Government servants, who are appointed in the State Public Sector Enterprises/Autonomous Bodies, on immediate absorption basis, shall be decided by the Administrative Departments. Cases of doubtful nature shall be referred to the Finance Department.

(17) These orders will, however, not be applicable in the cases of those Government servants whose Departments have been converted into a State Autonomous Body or a State Public Sector Undertaking. Their cases are covered by different sets of orders on the subject (vide Section II).

(18) Permanent transfer of employee of the State Public Sector Undertaking and Autonomous Bodies to Rajasthan Government.

An employee of State Enterprise/Autonomous Body having pensionary scheme if joins Government service on immediate absorption basis the relevant provisions contained in para 1 to 17 above shall also be applicable on reciprocal basis in respect of employees of those State Public Enterprise/ Autonomous Body who mutually agrees for the same.

NOTE - Format to be used for sanction of pro rata retirement benefits on absorption in State Public Sector Undertaking/Autonomous Bodies, are available in Section IV of this Appendix.

ANNEXURE I

(See Para 1(i)(ii))

RELIEVING ORDER

Shri (i) is hereby relieved to join (ii) as (iii) on permanent absorption basis. He should join (ii) by (iv) His resignation from Government service will be effective from the day he actually joins (ii) and it will be notified on the receipt of intimation about the date of his joining (ii) In case for some reason he does not join (ii) by (iv) he should report back to this office forthwith.

2. The period between the date of relief and the date of joining in (ii) will be regularised by grant of any type of leave due and if no leave is at credit, by extraordinary leave.

- (i) The name of the officer.
- (ii) The name of the public sector undertaking/autonomous body.
- (iii) The post against which the officer is to be appointed in the public sector undertaking/autonomous body.
- (iv) The Department should indicate the date by which the officer should join the public sector undertaking/autonomous body. This date will be determined by giving him a maximum of 15 day's time from the date of relief. The competent authority in the Administrative Department may allow any further extension beyond this date in case of reasons beyond the control of the officer like natural calamity, civil commotion, etc.

Signature

Designation

SECTION II

CONVERSION OF GOVERNMENT DEPARTMENT/OFFICE INTO A STATE AUTONOMOUS BODY OR PUBLIC SECTOR UNDERTAKING.

The following terms and conditions will be applicable in the case of en masse transfer of employees on conversion of a Government Department or a segment thereof or a Government office into a State Public Sector Undertaking or an Autonomous Body :-

1. Pensionary Terms. -

(a) The permanent Government servants shall have an option to retain the pensionary benefits available to them under the Government rules or be governed by the rules of the Public Sector Undertakings/Autonomous Body. This option shall also be available to regularly appointed temporary employees after they have been confirmed in the Public Sector Undertaking/Autonomous Body.

(b) The Government servants who opt to be governed by the pensionary benefits available under the Government, shall at the time of their retirement, be entitled to pension, etc., in accordance with the Rajasthan Government rules in force at that time.

(c) The permanent Government servants with less than 10 year's service and temporary employees who opt for the rules of the Public Sector Undertaking/Autonomous Body shall be entitled to an amount equal to Provident Fund Contribution for the period of their service under the Government upto the date of permanent absorption in the Public Sector Undertaking/Autonomous Body with simple interest at 6% per annum as opening balance in their CPF account with the Public Sector Undertaking/Autonomous Body.

(d) The permanent Government servants who have completed 10 year's or more of service and who opt for the retirement benefits of a Public Sector Undertaking/Autonomous Body will receive pro rata retirement benefits for the service rendered under the Government. These will be regulated as follows: -

- (i) Employees will have an option, either to draw pro rata pension monthly or to draw a lump sum amount in lieu of 100% pro rata pension.
- (ii) Where the employees opt in favour of monthly payment of pro rata pension, the same shall be allowed to be drawn with effect from the date of permanent absorption in a Public Sector Undertaking/Autonomous Body. No part of pro rata pension will be allowed to be commuted either at the time of permanent absorption or any time thereafter.
- (iii) In the case of employees who opt in favour of a lump sum amount in lieu of 100% pro rata pension, the lump sum value shall be worked out on the basis of table prescribed under the R.C.S. (Commutation of Pension) Rules, 1996.
- (iv) In the case of employees covered by clause (ii), the retirement gratuity and for those covered by clause (iii) above, both retirement gratuity as well as lump sum commuted value shall be paid on the expiry of a period of 7 year's from the date of permanent absorption. The amounts, however, can be paid earlier in the event of death/retirement/resignation/discharge from service.
- (v) The amounts of retirement gratuity and lump sum value in lieu of pension mentioned in clause (iv) above shall remain with the Government, and earn interest at the rate prescribed for General Provident Fund deposits from time to time for the period they remain with the Government.

2. Family Pension :-

- (a) The family pension entitlements will be regulated as indicated below :-
 - (i) The employees who opt to continue to be governed by the Rajasthan Government rules shall be governed by the Family Pension Scheme of the Rajasthan Government; and
 - (ii) Those who opt to be governed by the rules of the Public Sector Undertaking/Autonomous Body shall have an option to be governed either by the Family Pension Scheme of the Rajasthan Government or by that of the Public Sector Undertaking/Autonomous Body, but NOT both. However, the benefit of the Family Pension Scheme of the Rajasthan Government will be available only to such of the employees who are permanent and have a qualifying service of not less than ten years.

(b) The liability of the State Government in regard to cases covered by sub clause (ii) of para 2(a) above will be frozen as on the date of permanent absorption of the individual employees; that is to say, the amount of family pension payable will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption.

(c) The employees covered by sub clause (i) of para 2(a) above and the eligible employees covered by sub clause (ii) of para 2(a) above who opt for the Family Pension Scheme of the Rajasthan Government will have to seek exemption from the operation of the provisions of the Employees Family Pension Scheme Under Section 17 (1C) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, the concerned employee should submit a formal application for exemption to the Central Provident Fund Commissioner through their employer, i.e., the concerned Public Sector Undertaking/Autonomous Body.

3. As soon as a Government Department, Office or segment of a Government Department is converted into a Public Sector Undertaking/Autonomous Body, the concerned Government servants will be transferred to such new organisation on foreign service terms in the initial period. The Government servants will be permanently absorbed in the Public Sector Undertaking/Autonomous Body with effect from a prospective date to be fixed by the concerned Administrative Department and from that date they will cease to be Government Department and from that date they will cease to be Government servants. Such of the Government servants who are not willing to be absorbed will have an option to revert back to Government service. In that event, if no suitable vacancies are available in the Office/Department for such employees, their names will be transferred to authorities empowered for absorption of surplus employees.

4. Formulation of service conditions by the new body.-

The Public Sector Undertaking/Autonomous Body will formulate the terms and conditions of service in the new body at the earliest possible date. The employees will however have an option to retain Government pay scales till their promotion or retirement (whichever is earlier) or to come over to the service conditions of Public Sector Undertaking/Autonomous Body. However, until the exercise of this option, they will continue to be governed by the pay scales, leave entitlement and terminal benefits under the Government.

5. Effect of dismissal/removal from Public Sector Undertaking/Autonomous Body after absorption.-

Dismissal/removal from the service of a Public Sector Undertaking/Autonomous Body after absorption for any subsequent misconduct shall not amount to forfeiture of his retirement benefits for the service rendered in the Rajasthan Government. Also in the event

of dismissal/ removal of a transferred employee from the Public Sector Undertaking / Autonomous body, the employee concerned will be allowed protection to the extent that the Administrative Department will review such order before taking a final decision.

6. Adoption of Pension Scheme by Public Sector Undertaking/ Autonomous Body.-

If, on conversion, an autonomous body/public sector undertaking adopts Pension Scheme as applicable to Rajasthan Government servants, the service under Government will qualify towards pension under the autonomous body, instead of the benefits mentioned in para 1 above.

7. Procedure for discharging pensionary liability, etc.-

The discharge of pensionary liability of the Government to the newly established organisation, transfer of Provident Fund balances and carry forward of leave in respect of the service of the Government servants under the Government before their transfer to the organisation shall be regulated as under :-

- (i) The Government will discharge its pensionary liability by paying in lump sum as a one time payment, the pro rata pension/service gratuity/terminal gratuity and DCRG for the service upto the date of transfer of Government servants from a Government department to the autonomous body/undertaking on its conversion as such. Lump sum amount of pro rata pension will be determined with reference to the commutation table, laid down in the R.C.S. (Commutation of Pension) Rules, 1996, as amended from time to time.
- (ii) Carry-forward of leave will not be allowed in such cases. However, privilege leave at the credit of Government servants at the time of transfer to an autonomous body/public sector undertaking on the conversion of a Rajasthan Government Department/Office as such may be allowed to be encashed subject to a maximum of 240 days. Half pay leave will stand forfeited.
- (iii) The amount of subscription towards General Provident fund together with interest thereon standing to the credit of the Government servant shall not be paid to him but shall be transferred with the consent of that body, to his new Provident Fund Account under that body.

In cases where the Corporate Bodies do not have any Provident Fund Scheme or whose Provident fund Rules do not provide for the acceptance of balance from other Provident Funds, the amount in question should be finally paid to the person concerned at the time of his transfer to such a body. Once such a transfer of Provident Fund balance has taken place, the concerned person will be subject to the Provident Fund Rules of the organisation and not of the Provident fund Rules of the Government of Rajasthan.

10. Retention of lien:-

No lien of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in the Public Sector Undertaking/Autonomous Body consequent on conversion of government Department/Office, and he will not be allowed to revert to his parent cadre.

SECTION III

TRANSFER OF STATE GOVERNMENT EMPLOYEES TO CENTRAL AUTONOMOUS BODIES/STATUTORY BODIES AND VICE VERSA.

The Government of Rajasthan has entered into an agreement for reciprocal arrangement with the Central Government for counting of service for the purpose of pension of employees of the State Government seeking absorption in autonomous bodies/statutory bodies under the Central Government and vice versa, vide Memorandum No.F.1(28)FD (Gr.-2)/85 dated 23-9-1988 and No.F.1(28)FD(Gr-2)/85 dated 19th August,1989. The orders are reproduced below :-

Subject: Counting of service for the purpose of pension of employees of the State Government seeking absorption in autonomous bodies/ statutory bodies under the Central Government and vice versa.

The undersigned is directed to say that orders for sharing, on reciprocal basis, the proportionate pensionary liability in respect of employees who had rendered service under Central Government/State Government prior to securing post under the State Government/Central Government have been issued vide F.D.Memo No.F-7(43)FD/Rules/58 dated 8/12/1970 and F.7 (43)FD(A)/Rules/58 dated 25/1/1984.

Initially, the employees of the Central Autonomous Bodies/Statutory bodies were generally not entitled to the pensionary benefits and they were mainly entitled to the Contributory Provident Fund benefits. Over the years, a large number of Central Autonomous bodies/Statutory bodies have adopted the same pensionary scheme for their employees as is available to the Central Government/State Government servants. Certain employees of the State Government have also joined the Central Autonomous Bodies/Statutory Bodies. Similarly, certain employees of the Central Autonomous Bodies/Statutory bodies might have joined the State Government. These employees had represented to the Central Government that their service under the State Government/Central Autonomous Body/Statutory body may be allowed to be counted towards pension under Central Autonomous body/Statutory body/State Government where they are presently working.

The Central Government considered the matter in consultation with the State Government and conveyed its decision vide Ministry of Personnel, Public Grievances and Department of Pension and Pensioner's Welfare letter No.28(10)84-P&PW-Vol.II dated 7/2/1986 that these cases may be decided in accordance with the principles as laid down in the Department of Personnel & Administrative Reforms O.M. No.28(10)/84-Pension Unit dated 29/8/84. Similar order regarding counting of service of the State Government employees in the event of their absorption in the Central Autonomous bodies/Statutory bodies and vice-versa was to be issued by the State Government.

In pursuance of the order issued by the Central Government referred to above, the matter has been considered and the Governor is pleased to decide that the cases of the State Government employees going over to a Central Autonomous body/Statutory Body where pension scheme is in operation or vice-versa may be regulated as per the following provisions:-

- (i) Where a State Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous body/Statutory body, the service rendered by him under the State Government shall be allowed to be counted towards pension under the Autonomous body/Statutory body. The same procedure will apply in the case of employees of the Central Autonomous body/Statutory body who are permanently absorbed under the State Government.
- (ii) The State Government/Central Autonomous Body/Statutory body will discharge its pension liability by paying in lump sum as a one-time payment, the pro rata pension/service gratuity/Death cum-retirement gratuity for the service upto the date of absorption in the Autonomous body/Statutory body/State Government, as the case may be. The lump sum amount of the pro rata pension will be determined with reference to the commutation table laid down in the Rajasthan Civil Services (Commutation of Pension) Rules, 1996, as amended from time to time.
- (iii) In case of the State Government servants absorbed in a Central Autonomous body/Statutory body the authority in favour of the concerned Head of the Department for payment of lump sum amount to the concerned body shall be issued by the Director, Pension Department, Rajasthan, Jaipur.
- (iv) The Service rendered by an employee in a Central Autonomous body. Statutory body, where pension scheme is in operation, prior to joining the State Government shall be counted towards pension on receipt of lump sum amount as envisaged above.

NOTE :- “Central Autonomous body” means a body which is financed wholly or substantially from cess or Central Government grants. “Substantially” means that more than 50% of the expenditure of the Autonomous body is met through cess or Central Government grants. Autonomous body includes a Central Statutory body or a Central University but does not include a public undertaking.

This order shall apply to the employees of the State Government moving to the Central Autonomous body/Statutory bodies and vice versa who were in the service of the State Government/Central Autonomous body/Statutory body on 7/2/1986. Irrespective of the date of their absorption. This order shall also be applicable to the employees moving after 7/2/1986

(Order No.F.1 (28)FD(Gr-2)/85 dated 23-9-1988)

“The Governor has been pleased to order that below item (iv) of Finance Department Order of even number dated 23/9/1988, the following new items (v) and (vi) shall be added as follows, namely :-

- (v) The employees of a Central autonomous body/statutory body or State Government, as the case may be, who have already been sanctioned or have received pro rata retirement benefits or other terminal benefits for their past service will have the option either :-
 - (a) to retain such benefits and in that event their past service will not qualify for pension under the Central autonomous body/Statutory body or the State Government, as the case may be; or

(b) to have the past service counted as qualifying service for pension under the new organisation in which case the pro rata retirement or other terminal benefits, if already received by them, will have to be deposited alongwith interest thereon from the date of receipt of these benefits till the date of deposit with the Central autonomous body/statutory body or the State Government , as the case may be. the rate of interest in such cases would be simple interest of 6% per annum. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases, where pro rata retirement benefits have already been sanctioned but have not yet become payable the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction, the option shall be exercised within a period of one year from the date of issue of these orders. If no option is exercised by such employees within the prescribed time limit, they will be deemed to have opted for retention of the benefits already received by them. The option once exercised shall be final.

(vi) Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in Finance Department Memorandum of even number dated 23/9/1988. In no case pension contribution/ liability shall be accepted from the employee concerned.

This order shall be effective, as mentioned in the last para of Finance Department Memorandum of even number dated 23/9/1988".

(Order No.F1(28)FD (Gr-2)/85 dated 19/8/1989)

SECTION IV

FORMAT I

**Format to be used on absorption in a state Autonomous
Body/Public Sector Undertaking having
a pension scheme.**

To

(State PSU/Autonomous Body)

Subject:- Permanent absorption of Shri/Smt.....
(Name and Designation) in
(Name of the Organisation).

Sir,

I am directed to refer to your letter No.dated..... on the above mentioned subject and to convey the sanction of the Governor to the permanent absorption in* of Shri/Smt./Kumari** a permanent Rajasthan Government employee and*** in the Department of**** on the terms and conditions envisaged in Rules and..... and Appendix IX Section I as amended from time to time, with effect from the date and on the terms and conditions as indicated hereafter.

2. Date of effect:-

The permanent absorption shall take effect from (date)..... forenoon/afternoon.

3. Pension/Gratuity:-

(1) Shri/Smt./Kumari.....** will exercise option within six months of the issue of this order —

- (i) either to count the qualifying service rendered under the Rajasthan Government for pension in.....*
- (ii) or to receive pro rata retirement benefits for the qualifying service rendered under the Rajasthan Government.

The option shall be exercised in writing. The option once exercised shall be final. In case no option is exercised within the stipulated period, he/she will be deemed to have opted in favour of sub clause (i) above.

(2) In case he/she opts in favour of sub clause (i) of clause (1) above he/she will be eligible to draw pension in accordance with the rules of the* for the combined service under the Rajasthan Government and that under the* on her final retirement from that body. If he/she resigns from service of the* his/her resignation will be treated as resignation from Rajasthan Government service entailing forfeiture of past services including that under the Government and consequent loss of pensionary benefits for the combined service.

(3) (a) In case he/she opts in favour of sub clause (ii) of clause (1), he/she will have further option which will also have to be exercised along with the option referred to in clause (1) above :-

- (i) either to receive pro rata monthly pension,
- (ii) or to receive a lump sum amount in lieu of monthly pension.

In case no specific option is indicated by him/her in this behalf, he/she will be deemed to have opted in favour of sub clause (i) of this clause.

(b) In the event of his/her option in favour of sub clause (i) of clause (3) (a), he/she will draw pro rata pension and retirement gratuity for the service rendered under the Government. He/she will also be eligible to commute up to one-third of his/her pension.

(c) If he/she opts in favour of sub clause (ii) of clause 3 (a) he/she will receive lump sum amount in lieu of pro rata pension and retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the R.C.S. (Commutation of pension) Rules, 1996, applicable on the date of his/her cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(d) Calculation of pro rata retirement benefits:-

The retirement gratuity and pro rata pension will be calculated in accordance with the Rajasthan Civil Services (Pension) Rules, 1996.

Note:- The benefit of the scheme of voluntary retirement as embodied in Rules 50 to 52 of the R.C.S. (Pension) Rules, 1996, is not admissible in this case.

(e) Date of payment of pro rata retirement benefits:-

The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his/her permanent absorption. The amount of pro rata monthly pension wherever applicable will also be payable from the date following the date of cessation of service under the Rajasthan Government.

(f) Limitation as to the total amount of gratuity:-

The total gratuity admissible in respect of the service rendered under the Government of Rajasthan and that under the* shall not exceed the amount that would have been admissible, had Shri/Smt.** continued in Government service and retired on the same pay which he/she drew on retirement from*

(g) Effect of liberalisation of Pension/Gratuity Rules after absorption :-

Any further liberalisation of pension/gratuity rules decided upon by Government of Rajasthan in respect of its officers after the permanent absorption of Shri/Smt. in will not be extended to him/her in case Shri/Smt. has opted to receive a lump sum amount in lieu of pension on absorption and the permanent absorption has taken place from a date prior to the date from which rationalisation/liberalisation in pension rules has been given effect to by the Rajasthan Government.

4. Family pension admissible from one source only:-

- (i) Family pension will be admissible only from one source, i.e. either from the Rajasthan Government or from the (name of the organisation) and NOT FROM BOTH.
- (ii) The benefit of family pension scheme of Rajasthan Government will be available only to such of the Government servants who are permanent and have a qualifying service of not less than ten years ; and
- (iii) The liability of Rajasthan Government in regard to the amount of family pension will be frozen as on the date of permanent absorption in the (name of the organisation) and will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption. The eligibility of family members to receive family pension will be regulated in accordance with the Rajasthan Government Rules/Orders in force at the relevant time.

Note:- The family will not be eligible for any benefit under the family pension scheme of the Rajasthan Government if he/she is not permanent and also does not have a qualifying service of not less than ten years, on the date of absorption.

- (iv) If he/she opts for the Family Pension Scheme of the Rajasthan Government, he/she will have to seek exemption from the operation of the provisions of the Employees Family Pension Scheme, 1971, under Section 17(1c) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, he/she should submit a formal application for exemption to the Central Provident Fund Commissioner through his/her employer, i.e. (name of the organisation)

5. Fixation of pay on absorption:-

Shri/Smt.** will be free to negotiate his emoluments with autonomous body/public sector undertaking. On his/her absorption, he/she will be at par with other employees of the autonomous body and will be governed by the rules of the autonomous body in all respects.

6. Leave:-

Shri/Smt.** will be entitled to an encashment of earned leave to his/her credit at the time of acceptance of his/her resignation from Government service subject to a maximum of 240 days. Half-pay leave will stand forfeited.

7. Benefits after permanent absorption:-

For the period of service rendered by Shri/Smt.** in..... * from the date of permanent absorption he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

8. Provident Fund:-

The amount of subscription together with interest thereon standing to the credit of Shri/Smt** in the General Provident Fund

Account will be transferred to his/her new Provident Fund Account under the (organisation) with its consent. In case the autonomous body does not have Provident Fund Scheme or the Provident Fund Scheme of autonomous body/public sector undertaking does not provide for acceptance of balance from other Provident Funds, the G.P.F. balance shall be paid to Shri/Smt.** in cash. Once such a transfer of Provident Fund balance has taken place, Shri/Smt.....** will be subject to the Provident Fund Rules of the (organisation) and not of the Provident Fund rules of the Government of Rajasthan.

Yours faithfully,

Secretary to the Government

(Officer competent to issue
the sanction from the
Department.)

Copy forwarded for information and necessary action to:-

- (1) Director, Pension Department, Rajasthan, Jaipur
- (2) Shri/Smt.**

Secretary to the Government

-
- * Name of the Organisation to which proceeding.
 - ** Name of the Official.
 - *** Designation at the time of permanent absorption.
 - **** Name of Department from which proceeding.

FORMAT II

**Format to be used on absorption in a State Autonomous
Body/Public Sector Undertaking having no
pension scheme**

To

(State PSU/Autonomous Body)

Subject :- Permanent absorption of Shri/Smt
(Name and Designation) in
(Name of the Organisation)

Sir,

I am directed to refer to your letter No.dated on the above mentioned subject and to convey the sanction of the Government to the permanent absorption in* of Shri/Smt./Kumari** a permanent Rajasthan Government employee and*** in the Department of**** on the terms and conditions envisaged in Rules and Appendix IX (Section I) as amended from time to time, with effect from the date and on the terms and conditions as indicated hereafter.

2. Date of effect:-

The permanent absorption shall take effect from (date) forenoon/afternoon.

3. Pension/Gratuity :-

- (a) Shri/Smt./kumari** will exercise option within six months of the issue of this order.
- (i) either to receive pro rata monthly pension,
- (ii) or to receive a lump sum amount in lieu of monthly pension.

In case no specific option is indicated by him/her in this behalf, he/she will be deemed to have opted in favour of sub clause (i) of this clause.

- (b) In the event of his/her option in favour of sub-clause (i) of clause (3) (a), he/she will draw pro rata pension and retirement gratuity for the service rendered under the Government. He/she will also be eligible to commute up to one-third of his/her pension.
- (c) If he/she opts in favour of sub clause (ii) of clause 3 (a), he/she will receive lump sum amount in lieu of pro rata pension and retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the R.C.S. (Commutation of Pension) Rules, 1996, applicable on the date of his/her cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(d) Calculation of pro rata retirement benefits :-

The retirement gratuity and pro rata pension will be calculated in accordance with the Rajasthan Civil Services (Pension) Rules, 1996.

Note:- The benefit of the scheme of voluntary retirement as embodied in Rules 50 to 52 of the R.C.S. (Pension) Rules, 1996, is not admissible in this case.

(e) Date of payment of pro rata retirement benefits :-

The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his/her permanent absorption. The amount of pro rata monthly pension where applicable will also be payable from the date following the date of cessation of service under the Rajasthan Government.

(f) Limitation as to the total amount of gratuity :-

The total gratuity admissible in respect of the service rendered under the Government of Rajasthan and that under the* shall not exceed the amount that would have been admissible, had Shri/Smt.** continued in Government service and retired on the same pay which he/she drew on retirement from.....*

(g) Effect of Liberalisation of Pension/Gratuity Rules after absorption:-

Any further liberalisation of pension/gratuity rules decided upon by Government of Rajasthan in respect of its officers after the permanent absorption of Shri/Smt.....** in will not be extended to him/her in case Shri/Smt....* has opted to receive a lump sum amount in lieu of pension on absorption and the permanent absorption has taken place from a date prior to the date from which rationalisation/liberalisation in pension rules has been given effect to by the Rajasthan Government.

4. Family pension admissible from one source only:-

(i) Family pension will be admissible only from one source, i.e. either from the Rajasthan Government or from the (name of the organisation) and NOT FROM BOTH.

(ii) the benefit of family pension scheme of Rajasthan Government will be available only to such of the Government servants who are permanent and have a qualifying service of not less than ten years; and

(iii) The liability of the Rajasthan Government in regard to the amount of family pension will be frozen as on the date of permanent absorption (in the name of the organisation) and will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption. The eligibility of family members to receive family pension will be regulated in accordance with the Rajasthan Government Rules/Orders in force at the relevant time.

Note:- The Family will not be eligible for any benefit under the family pension scheme of the Rajasthan Government if he/she is not permanent and also does not have a qualifying service of not less than ten years, on the date of absorption.

(iv) If he/she opts for the Family pension Scheme of the Rajasthan Government, he/she will have to seek exemption from the operation of the provisions of the Employees Family pension scheme, 1971, under section 17 (1-c) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, he/she should submit a formal application for exemption to the Central Provident Fund Commissioner through his/her employer, i.e.(name of the organisation).

5. Fixation of pay on absorption:-

Shri/Smt.....** will be free to negotiate his emoluments with autonomous body/public sector undertaking. On his/her absorption, he/she will be at par with other employees of the autonomous body and will be governed by the rules of the autonomous body in all respects.

6. Leave :-

Shri/Smt.....** will be entitled to an encashment of earned leave to his/her credit at the time of acceptance of his/her resignation from Government service subject to a maximum of 240 days. Half-pay leave will stand forfeited.

7. Benefits after permanent absorption :-

For the period of service rendered by Shri/Smt.** in* from the date of permanent absorption he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

8. Provident Fund :-

The amount of subscription together with interest thereon standing to the credit of Shri/Smt.....** in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the (organisation) with its consent. In case the autonomous body does not have Provident Fund Scheme or the Provident Fund Scheme of autonomous body/public sector undertaking does not provide for acceptance of balance from other Provident Funds, the G.P.F. balance shall be paid to Shri/Smt.** in cash. Once such a transfer of Provident Fund balance has taken place, Shri/Smt.** will be subject to the Provident Fund Rules of the (organisation) and not of the Provident Fund Rules of the Government of Rajasthan.

Yours faithfully,

Secretary to the Government
(Officer competent to issue
the sanction from the
department.)

Copy forwarded for information and necessary action to :-

- (1) Director, Pension Department, Rajasthan, Jaipur
- (2) Shri/Smt.**

Secretary to the Government

* Name of the Organisation to which proceeding.
** Name of the Official.
*** Designation at the time of permanent absorption.
**** Name of Department from which proceeding.

SECTION V

TRANSFER OF STATE GOVERNMENT EMPLOYEES TO PUBLIC ENTERPRISES UNDER THE CONTROL OF THE GOVERNMENT OF INDIA

The question of granting terminal benefits to the Rajasthan Government servants transferred to public enterprises under the control of the Government of India has been under consideration of the Government and it has been decided that in the case of permanent or temporary Government servant whose appointment under Government was made in accordance with provisions of relevant service rules regarding recruitment, promotion etc. promulgated under proviso to article 309 of the constitution of India, or on the recommendation of the Rajasthan Public Service Commission or Departmental Selection Committee and who have completed not less than 5 years continuous service under Government at the time of transfer of his service to Public Enterprises under the control of the Government of India, the transfer of his service may be treated in public interest and he shall, on his permanent absorption, be entitled to:-

A. Pension :-

(a) Pension and/ or gratuity as admissible under the Rajasthan Civil Services (Pension) Rules, 1996 for service rendered by him under the Government at the end of period of two years of his absorption provided that if the Government servant concerned attains the age of superannuation, within these two years, he shall be entitled to receive the benefits from the date of superannuation. He shall not be entitled to family pension under chapter V and VIII of the Rajasthan Civil Services (Pension) Rules, 1996.

(b) In lieu of monthly pension admissible under (a) above the Government servant concerned may opt to receive a lump sum amount worked out with reference to commutation table obtaining on the date from which pension will be admissible and payable. The option will be exercised within six months from the date of permanent absorption or date of order of permanent absorption, whichever is later.

(c) Any further liberalisation of Pension rules decided upon by the Government after the permanent absorption of the Government servant in the Public Enterprises would not be extended to him.

(d) In case where a Government servant at the time of absorption has less than 10 years qualifying service he will only be eligible to proportionable service gratuity in lieu of pension and to Death-Cum-Retirement Gratuity based on length of service.

B. Provident Fund :-

(1) The amount of Government contribution and/or subscription together with interest thereon, standing in the Provident Fund Account of a Government Officer, be transferred to his, new Provident Fund Account under the enterprise, if he so desires, provided the concerned enterprise also agrees to such a transfer. If, however, the concerned enterprise does not operate a Provident Fund, the amount, in question shall be refunded to the subscriber. Once such a transfer of Provident Fund balance as taken place, the officer will be governed by the Provident Fund Rules of the concerned enterprise and not by the Provident Fund Rules of the Government.

(2) These concessions may not be claimed as a matter of right, but may be sanctioned by the Government in individual cases where the same are merited. Individual cases will be dealt with by the Administrative Department concerned, in consultation with the Finance Department.

(3) The decision contained in preceding paragraphs will apply only where the service of a Government servant is transferred permanently to Public Enterprises and it will not apply to case of transfer to a Private Institution or Private Sector Corporation.

APPENDIX X

PAYMENT OF ARREARS OF PENSION AND COMMUTATION (NOMINATION) RULES 1996

GOVERNMENT OF RAJASTHAN FINANCE (R&AI) DEPARTMENT

NOTIFICATION

No.F.7(11)FD/R&AI/96

Jaipur dated the 18th Sept., 1996.

In exercise of the powers conferred by section 11 of the Pension Act, 1958 (Rajasthan Act No.27 of 1958), the State Government hereby makes the following rules, namely:-

1. Short title and commencement :-

(1) These rules may be called the Payment of Arrears of Pension and Commutation (Nomination) Rules, 1996.

(2) They shall come into force with effect from 1st Oct., 1996.

2. Application :-

These rules shall apply to the State Government pensioners who are in receipt of any Pension under the rules which govern such pensioners and which is payable by the Government out of the consolidated Fund of the State.

3. Definitions :-

In these Rules, unless the subject or context otherwise requires :

- (a) "Act" means the Rajasthan Pensions Act, 1958 (Rajasthan Act No.27 of 1958);
- (b) "Form" means a form appended to these rules;
- (c) "Nomination" means nomination made under these rules;
- (d) "Nominee" means a person nominated by an employee/Pensioner under these rules; and
- (e) "Pension Disbursing Authority" means the authority through whom pension is drawn and includes -
 - (i) Branch of nominated public sector bank, or
 - (ii) Treasury including sub-treasury.

4. Nomination :-

(1) Every pensioner who has retired on or before the date of commencement of these rules shall within six months nominate any person for the purpose of rule 5 in Form A and submit it in triplicate by personal service after taking receipt or by sending it through registered post acknowledgement due to the respective Pension Disbursing Authority through whom pension is drawn.

(2) Every employee who is due to retire after the date of commencement of these rules shall submit the nomination in triplicate in Form A to the head of office/Department from where he is retiring within three months before or after the date of retirement.

(3) Within 30 days of the receipt of the nomination, the pension Disbursing Authority or the Head of Office/Department, as the case may be, shall get the particulars of the pensioner verified with reference to relevant records and return to the pensioner the duplicate copy of the nomination duly attested by him or by an officer authorised by him in this behalf after obtaining the receipt thereof. The triplicate copy of the nomination shall be sent to the Director, Pension for taking further action, if any, and the original copy of the nomination shall be kept with the pension file.

(4) A Notice of modification of nomination including a case where a nominee pre-deceases the pensioner shall be submitted in triplicate in Form B to the Pension Disbursing Authority or the Head of Office/Department as the case may be, in the manner specified in sub-rules (1) to (3) and thereafter the provisions shall apply mutatis mutandis with modifications as if it was made under sub-rule (1) or (2).

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee/pensioner or if he is illiterate shall bear his thumb-impression given in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination as the case may be.

(6) Nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by Pension Disbursing Authority or the Head of Office/Department as the case may be.

5. Nominee to receive arrears of pension or commutation of pension:-

The nominee shall receive, after the death of the pensioner all money payable to the pensioner, on account of such pension and/or commuted amount of the pension if it has become absolute as per rule 6 of the Rajasthan Civil Services (Commutation of Pension) Rules, 1996 on, before or after the date of such nomination and which remains unpaid immediately before the death of the pensioner.

6. Accepted nomination to be conclusive proof:-

A nomination made under rule 4 and accepted by the Pension Disbursing Authority or the Head of Office/Department, as the case may be, shall be conclusive proof with regard to the person nominated to receive arrears of pension/commutation of the pension under these rules.

7. Mode of payment of arrears :-

The arrears of pension, amount of commuted pension payable under these rules shall be paid in accordance with the provisions of the R.C.S. (Pension) Rules, 1996 governing the mode of payment of pension.

8. Interpretation :-

Where any doubt arises as to the interpretation of these rules the matter shall be referred to the Government in the Finance (R.& A.I.) Department for final decision.

9. Repeal and Savings :-

(1) On the commencement of these rules, every rule, regulation contained in Payment of Arrears of Pension and Commutation (Nomination) rules, 1985, as amended from time to time or order including Office Memoranda (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 ceaser of operation any thing done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provision of these rules.

By Order of the Governor,

Dr. ADARSH KISHORE
Secretary to the Government.

FORM A

(See Rule 4)

Pension Disbursing Authority/Head of Office

Name of Bank/Treasury

Place

I,.....hereby
(Name of the pensioner in capital letters)

nominate the person named below, under Rule 4 of the Payment of Arrears of Pension (Nomination) Rules, 1996.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor	
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority
1	2	3	4

Name and address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with the pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
5	6	7	8	9

Place
Date
Witness: Signature:
Name & Address :

Signature (or thumb-impression if illiterate) and name of Pensioner.
Address:
Signature of Pension Disbursing Authority/Head of Office.

Acknowledgement to be sent by the Pension Disbursing Authority/Head of Office.

Certified that application/nomination has been received from.....
..... (Name of Pensioner) whose address is.....

Place :

Signature of Pension Disbursing Authority

Date :

Bank/Treasury

Head of Office.

Full Address:

FORM B

(See Rule 4)

Pension Disbursing Authority

Name of Bank/Treasury

Place

I,.....hereby
(Name of the pensioner in capital letters)

make the following alternative nomination in cancellation of the previous nomination made onunder Rule 4 of the Payment of Arrears of Pension (Nomination) Rules, 1996.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor	
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority
1	2	3	4

Name and address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with the pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
5	6	7	8	9

Place
Date
Witness: Signature:
Name & Address :

Signature (or thumb-impression if illiterate) and name of Pensioner.
Address:
Signature of Pension Disbursing Authority.
Date Stamp.

Certified that application/nomination (Form B) has been received from.....
..... (Name of Pensioner) whose address is.....

Form A has been cancelled and returned to him.

Place :

Signature of Pension Disbursing Authority

Date :

Bank/Treasury

With Full Address:

APPENDIX XI

ACTION TO BE TAKEN BY RETIRING GOVERNMENT SERVANTS FOR TIMELY AUTHORISATION OF THEIR PENSIONS.

I. WHILE IN SERVICE :-

Please examine the Service Book and Leave Account periodically and ensure the following:-

- (a) Date of birth is correctly recorded and attested on first page.
- (b) Date of entry to Government service, confirmation, promotion, reversion etc. are correctly recorded under proper attestation.
- (c) Certificates of verification of service are invariably recorded by the Head of Office every year as required under General Financial and Accounts, Rules. Where service verification is wanting, submit written statement in Form 9 on plain paper, verifying the truth of the statement, and produce all documentary evidence and information available, as required under rule 81(1)(a) (vi) of R.C.S. (Pension) Rules, 1996, to enable the Head of Office to verify the service and record it in the service book.
- (d) In case you were work charged employee and absorbed/appointed to regular post under Government, option for pension in lieu of C.P.F. benefits is pasted in the Service Book. (Option Form 4 A).

Entry to the effect of deposit of Employer's share of C.P.F. balance into Government account and T.E. passed by the State Insurance/GPF Department has been recorded in the Service Book.
- (e) In the case of suspension, the certificate whether or not the period of suspension counts for pension is recorded.
- (f) If extra-ordinary leave is taken on medical certificate or for higher studies or for due to civil commotion, natural calamity, the orders of the competent authority counting the leave period for pension is recorded in the service book giving reference of Government Order Number and date.
- (g) (i) if you proceed on foreign service, ensure that pension contributions are paid by the foreign employer and the Service Book is sent to the Director, Pension Department, Rajasthan, Jaipur, for recording the requisite certificate of deposit.
(ii) If for the period of foreign service, the pension contribution is to be paid by you, please ensure deposit of the amount and its entry in the Service Book from the Director, Pension Department, Rajasthan, Jaipur.
- (h) In case your entry to the Service of the Government was at an advanced age, ensure to get it regularised by obtaining relaxation of age limit under Rule 9 of the Rajasthan Service Rules.
- (i) That you have filled in Nomination for Retirement/Death Gratuity in Form 1 or 2, as the case may be, correctly, and the same is duly accepted by the Head of Office and suitable entry of its receipt has been made in the Service Book and further that a clear note has been made in the Service Book as to the receipt of nomination and for lodging of the same in safe custody.

- (j) That the details of the members of the family in Form 3 under rule 74 of R.C.S. (Pension) Rules, 1996, duly countersigned by the Head of Office are pasted in the Service Book.
- (k) You may obtain a duplicate copy of the Service Book as provided in Government of Rajasthan's Decision Nos. 2 & 3 under rule 160 of Rajasthan Service Rules and arrange to keep it up-to-date. The certificate of verification of services should also be got recorded in the duplicate Service Book and got attested by the competent authority.
- (l) That privilege leave has been credited to your account on first of January and July every year.
- (m) That entry in the Service Book in regard to fixation of pay done under various pay fixation rules from time to time has been recorded in the Service Book under proper attestation.
- (n) In case you are a gazetted officer, original copy of History of Service upto 31.12.1974, issued by the Accountant General, Rajasthan, is either attached with the Service Book or pasted therein.
- (o) Any kind of deficiency, omission, imperfection noticed by you is brought to the notice of the Head of Office.

II. ACTION TO BE INITIATED WITHIN TWO YEARS PRIOR TO THE DATE OF RETIREMENT.

The Government servant who is due to retire within next two years should initiate the following actions :-

- (a) Two years before the date of retirement, he should submit applications:-
 - (i) in Form 27 to Director of Estates/P.W.D. for issue of No Demand Certificate in respect of Government accommodation; or
 - (ii) in Form 27A certifying that no Government accommodation has been occupied by him.
 - (iii) in Form 28 to the Treasury Officer concerned for issue of No Dues Certificate in respect of Long Term Advances taken by him during his service career; or
 - (iv) in Form 28A certifying that he has not taken any long term advance in his service career.
- (b) Eight months prior to the date of retirement, submit Form 5 and Form 5 A (in triplicate) which contains descriptive roll, namely, particulars, signatures, identification mark, address and joint photograph etc. See that the instructions contained in the form and its requirements are complied with correctly.
- (c) One year before retirement, see that the appointing authority issues the retirement order and that it contains certificate of No D.E. pending under rule 16 of CCA Rules' or otherwise.
- (d) Comply with any instructions/information/data required by the Treasury Officer or Directorate of Estates/PWD for issue of No Demand certificate, and pursue the same if the information has been desired from the Head of Office.
- (e) If you are officiating Government servant at the time of retirement, ensure that the requisite certificate for counting officiating pay for pension as per Rule 45 (note 3) is recorded by the Head of Office in the Service Book.

- (f) See that the Head of Office sends intimation of Government dues/No dues outstanding against you to the Director Pension Department two months before the date of retirement as required under Rule 85 of R.C.S. (Pension) Rules, 1996.
- (g) Comply with the directions/instructions or submit any data required by the Head of Office for rectification of any omission, deficiency or imperfection in the Service Book.

III. ACTION TO BE TAKEN AT THE TIME OF RETIRING FROM GOVERNMENT SERVICE i.e. BEFORE OR AT THE TIME OF DEMITTING OFFICE.

Following action may be taken so that pension case is not delayed:

- (a) Please clear all Government dues, if any, to enable the Head of Office to communicate no dues to the Director, Pension Department, so that the case is neither delayed nor any recovery is ordered to be made from Retirement Gratuity.
- (b) If in occupation of Government residence, pay off rent etc. preferably in cash, upto the last day of occupation and ensure immediate issue of No Demand Certificate.
- (c) Please obtain a copy of Final Last Pay Certificate for your record, issued by the Head of Office.
- (d) Please apply for encashment of privilege leave due, if desired, to the Head of Office, at least one month in advance of the date of retirement.
- (e) In case any delay is anticipated in authorising of pension or preparation of papers, request the Head of Office to grant provisional pension and gratuity.
- (f) Please communicate to the Director, Pension Department as also to the Head of Office who processed the pension case, any event/occurrence after the pension case has been sent to the Director, Pension which has a bearing on the amount of pension admissible to the Government servant (Rule 84).
- (g) Furnish a declaration to the Head of Office giving consent for recovery of dues, if any, from pension or retirement gratuity.

APPENDIX XII

Grant of Interim Relief to the State Government Pensioners/Family Pensioners.

¹The Governor has been pleased to order that the State Government Pensioners/Family Pensioners may be allowed Interim Relief @ Rs. 50/- per month and, in addition, 10% of the basic Pension/Family pension subject to a minimum of Rs. 50/- per month w.e.f. 1-4-1995.

If a pensioner/family pensioner is re-employed/employed under the State Government/ Central Government or a Corporation/Company/Body/Bank under them in India or abroad including permanent absorption in such Corporation/Company /Body/Bank, he/she shall not be eligible to draw Interim Relief on pension/family pension during the period of such re-employment/employment.

Interim relief may be shown as a separate element. No Dearness Relief on this element will be admissible. Interim Relief involving a fraction of a rupee may be rounded off to the next higher rupee.

In case of persons in receipt of more than one pension, the Interim Relief will be calculated on the total of all pensions taken together.

Accountant General and authorised Public Sector Banks making payment of Pension on behalf of the State Government are requested to arrange payment of Interim Relief to the Pensioners on the basis of above instructions without waiting for any further communication from this Department.”

²In continuation of Finance Department Order of even number dated 17-8-1995 it is clarified that the term basic pension/family pension used in the aforesaid order shall mean :-

(a) in respect of employees retired/retiring on or after 1/9/1986, the original pension (inclusive of commuted portion of pension);

(b) in respect of employees who retired on or after 31/3/1986 but prior to 1/9/1986, original pension/revised pension (inclusive of commuted portion of pension) plus increase in pension admissible thereon in terms of Finance Department Order No.F.1(44)FD(Gr.2)/82, dated 1/4/1986;

(c) in respect of employees who retired prior to 31/3/1986, ‘consolidated pension’ as defined in paragraph 7 of Finance Department Order No.F.1(47)FD(Gr.2)/88, dated 2/12/1989;

(d) in respect of pensioners getting minimum pension/family pension, the minimum pension/family pension i.e. Rs. 300/- per month.

It is also clarified that the aforesaid order shall be applicable to the widows getting ex-gratia payment in accordance with the provisions contained in Finance Department Order No.F.1(35)FD(Gr.2)/87 dated 2/7/1991 and 2/7/1992.”

³The Governor has been pleased to order that the State Government Pensioners/ Family Pensioners may be allowed one more instalment of Interim Relief @ 10% of the Basic Pension/ Family Pension subject to a minimum of Rs.100/- per month w.e.f. 1.4.1996.

2. The term basic pension / family pension for the aforesaid purpose shall mean: -

(a) in respect of employees retired/ retiring on or after 1.9.1986, the original pension (inclusive of commuted portion of pension);

1 Inserted vide FD order No.F.1(14)FD(Rules)/95 dated 17/8/1995.

2 Inserted vide FD clarification No.F.1(14)FD(Rules)/95 dated 19/2/1996.

3 Inserted vide FD Order No.F.1(14)FD(Rules)/95 dated 22/10/1996.

- (b) in respect of employees who retired on or after 31.3.1986 but prior to 1.9.1986, original pension/ revised pension (inclusive of commuted portion of pension) plus increase in pension admissible thereon in terms of Finance Department Order No.F.1(44)FD(Gr.2)/82, dated 1.4.1986;
- (c) in respect of employees who retired prior to 31.3.1986 'Consolidated Pension' as defined in paragraph 7 of Finance Department Order No.F.1(47)FD(Gr.2)/88, dated 2.12.1989;
- (d) in respect of pensioners getting minimum pension / family pension, the minimum pension/family pension i.e. Rs.300/- per month.

3. If a pensioner/family pensioner is re-employed/employed under the State Government/ Central Government or a Corporation/Company/Body/Bank under them in India or abroad including permanent absorption in such Corporation/Company /Body/Bank, he/she shall not be eligible to draw Interim Relief on pension/family pension during the period of such re-employment/employment.

4. Interim relief may be shown as a separate element as usual. No Dearness Relief on this element will be admissible. Interim Relief involving a fraction of a rupee may be rounded off to the next higher rupee.

5. In case of persons in receipt of more than one pensions, the Interim Relief will be calculated on the total of all pensions taken together.

6. This order shall also applicable to the pensioners/family pensioners who are in receipt of provisional pension.

7. This order shall also be applicable to the widows who are in receipt of exgratia payment in accordance with the provisions contained in Finance Department Order No.F.1(35)FD(Gr.2)/87 dated 2/7/1991 and 2/7/1992.

8. Accountant General and authorised Public Sector Banks making payment of Pension on behalf of the State Government are requested to arrange payment of Interim Relief to the Pensioners on the basis of above instructions without waiting for any further communication from this Department.”

FORMS

FORM 1

[See Rule 59 (1)]

Nomination for Retirement Gratuity/Death 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 the payment of which may be authorised by the 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)

Names and addresses of nominee/nominees	Relationship with the Government servant	Age	Amount of share of gratuity payable to each*
(1)	(2)	(3)	(4)

Alternate nominee (s)

Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each**
(5)	(6)

This 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 thisday of19

at Witnesses to signature:

- 1.
- 2.

Signature of Government
servant

(To be filled by the Head of Office)

Nomination by
 Designation
 Office

Signature of Head of Office
 Date.....
 Designation.....

**Form for acknowledging the receipt of the
 nomination form by the Head of Office**

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

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
 acknowledgments are kept in safe custody so that they may come into the
 possession of the beneficiaries in the event of his death.

* 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).

FORM 2

Nomination for Retirement Gratuity/Death 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 the payment of which may be authorised by the 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)

Names and addresses of nominee/nominees	Relationship with the Government servant	Age	Amount of share of gratuity payable to each*
(1)	(2)	(3)	(4)

Alternate nominee (s)

Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each**
(5)	(6)

This 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 thisday of19 at

Witnesses to signature:

1.
2.

Signature of Government servant

(To be filled by the Head of Office)

Nomination by

Designation

Office

Signature of Head of Office

Date.....

Designation.....

Form for acknowledging the receipt of the nomination form by the Head of Office

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

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 acknowledgments are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

* 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).

FORM 3

[See Rule 74]

Details of family

Name of the Government servant :
Designation
Date of birth
Date of appointment
Details of 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.					
9.					

I hereby undertake to keep the above particulars up-to-date by notifying to the Head of office any addition or alteration.

Place.....

Signature of Government servant

Dated the.....

* Family for this purpose means family as defined in Clause (b) of sub-rule (1) of Rule 66 of the R.C.S. (Pension) Rules, 1996.

Countersigned

Head Of Office
(Seal)

Date:

FORM 4

**FORM OF OPTION TO WORK CHARGED
EMPLOYEES GOVERNED BY C.P.F. RULES**

(See rule 14, G.R.D. 1)

In pursuance of Government of Rajasthan's Decision below rule 14 of Rajasthan Civil Services (Pension) Rules, 1996, I, son of Shri designationand who is a subscriber to the Contributory Provident Fund Account No.....under work Charged Employees contributory Provident Fund Scheme hereby, opt for the pension rules contained in the Rajasthan Civil Service (Pension) Rules, 1996, including the Family Pension Rules, as amended from time to time in lieu of the work charged employees Contributory Provident Fund benefits as now admissible:

Signature of
Government Servant.

Witness:

Date :

Signature:

Name in Full

Date :

(in block letters)

Name in full

Designation

(in block letters)

Office

Designation

Office.

Countersigned

Signature with date

(Head of office)

Received the above declaration.

Signature

Head of Office.

Station

Date

FORM 5

[See Rules 81 (1)(c) and 83(1)]

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

1. Name :
2. (a) Date of birth :
(b) Date of retirement :
3. ¹Three specimen signatures (to be furnished in a separate sheet) duly attested by a Gazetted Government servant.
4. ²Three copies of passport size joint ³photograph with wife or husband (to be attested by the Head of Office)
(4 copies to be submitted if payment is required outside Rajasthan).
5. ⁴Three slips showing the particulars of height and personal identification marks duly attested by a Gazetted Government servant.
6. Present address.
7. ⁵Address after retirement.
8. Name of the Treasury or the Branch of Public Sector Bank through which the pension is to be drawn.
9. Details of the family in Form 3.
10. Indicate whether, family pension is admissible from any other source — Military or Central or any other State Government and/or a public sector undertaking/ autonomous body/Local Fund under the Central or a State Government.

Place
Dated the.....

Signature
Designation
Deptt./Office

-
1. Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate 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 thumb and finger impressions of the right hand. Where a Government servant has lost both the hands, he may give his toe impressions. Impressions should be duly attested by a Gazetted Government servant.
 2. Two copies of the passport size photograph of self only need be furnished if the Government servant is governed by chapter (V) C of the Rajasthan Civil Services (pension) Rules, 1996 and is unmarried or a widower or widow.
 3. Where it is not possible for a Government servant to submit a photograph with his wife or her husband, he or she may submit separate photographs. The photographs shall be attested by the Head of Office.
 4. Specify a few conspicuous marks, not less than two, if possible.
 5. Any subsequent change of address should be notified to the Head of Office.

FORM 6

(See GRD below Rule 78)

Form of order of Retirement

Government of Rajasthan
..... Department

No.

Dated the

ORDER

Shri/Smt./Kumari working as.....
(designation), belonging to (service) is hereby retired from Government
service on attaining the age of superannuation with effect from (date of retirement).

*2. It is certified that no Departmental Enquiry under rule 16 of the Rajasthan Civil
Services (Classification, Control and Appeal) Rules is pending against the above named
Government servant, as on today.

Signature

Designation of the
Appointing Authority.

* Para of the Order may be suitably modified
if any Departmental Enquiry under rule 16
of RCS(CCA) Rules is pending.

No.

Dated the

Copies forwarded to the following for information and necessary action :-

1. Director, Pension Department, Rajasthan, Jaipur.
2. Concerned Officer/Official.
3. Personal file of concerned employee.
- 4.
- 5.
- 6.
- 7.

Signature

Designation

FORM 7

Form for assessing Pension and Gratuity

[See Rules 80,82,83(1) and (3) and 87(1)]

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

PART I

1. Name of the Government servant
2. Father's name (and also husband's name in the case of female Government servant)
3. Date of birth (by Christian era)
4. Religion
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. (i) Date of beginning of service
- (ii) Date of ending of service.....
8. **Military Service**
 - A. (i) Period of Service for which pension or gratuity was sanctioned
 - (ii) Amount and nature of any pension/gratuity received for the same
 - B. Period of service for which no pension has been earned but which counts as service under Rajasthan Government (Rule....)

Year	Month	Days
------	-------	------
9. **Civil Service**
 - A. Amount and nature of any pension/ Gratuity received for previous Civil service
 - B. Period of previous Civil Service which counts as qualifying service under Rule

10. **Service under other Governments**
 Service rendered under Government of India/other State Governments counting for Pension :-

Name of Government	Years	Months	Days
.....

11. **Service under Rajasthan Govt.**

Service rendered under Rajasthan Government	Years	Months	Days
---	-------	--------	------

12. Class of pension applicable

.....
-------	-------

13. The date on which action initiated to —

- (i) obtain the “No demand certificate” from the Directorate of Estates as provided in Rule 79.
- (ii) assess the service and emoluments qualifying for pension as provided in Rule 81 and
- (iii) assess the Government dues other than the dues relating to the allotment of Government accommodation as provided in Rule 94 (1)

14. Details of omissions, imperfections or deficiencies in the service book which have been ignored under Rule 81 (1)(b)(ii)

15. Total length of qualifying service (for the purpose of adding towards broken periods, a month is reckoned as thirty days)

16. Periods of non-Qualifying service— From To

- (i) Interruption in service condoned under Rule 27
- (ii) Extraordinary leave not qualifying for Pension
- (iii) period of suspension not treated as qualifying
- (iv) Any other service not treated as qualifying

17. (i) Period of foreign service where pension contribution is to be paid by the Government servant [GRD below Rule 88 and 81 (1)(b)(vii)]

Name of organisation	Pay scale of the Govt. Servant	From	To
----------------------	--------------------------------	------	----

- (a)
- (b)
- (c)

- (ii) Details of pension contribution realised.

- 17 A. Details of deposit of employer's share with interest of C.P.F. in case work charged service has been counted for pension (GRD1 below rule 14)
18. Emoluments reckoning for pension (See rule 45)
- (i) Substantive pay (officiating pay also to be reckoned other than appointments in leave vacancy or additional charge)
 - (ii) Personal pay
 - (iii) SP/NPA/NCA/RA(average of last ten Months as calculated below)

Special pay/NPA/NCA/RA drawn during the last ten months of service

Post held	From	To	Pay	SP/NPA/ NCA/RA	Average Emoluments (10 months)
1	2	3	4	5	6

19. Date on which Form 5 has been obtained from the Government servant [To be obtained eight months before the date of retirement of Government servant.]
20. Proposed pension (calculation sheet enclosed)
21. Proposed retirement gratuity (calculation sheet enclosed)
22. Date from which pension is to commence
23. Proposed amount of provisional pension. If departmental or judicial proceeding is instituted against the Government servant before retirement
24. Amount of Government dues recoverable out of Gratuity —
- (i) rent for the allotment of Government accommodation [See Sub-rules(2), (3) and (4) of Rule 93.
 - (ii) Dues referred to in Rule 94 (attach details in Annexure I)
25. (i) Whether nomination made for retirement gratuity/death gratuity (if yes, enclose a copy of the same.)
- (ii) Whether nomination made for payment of L.T.A and commutation amount and if so, enclose a copy of the same.

26. Whether family pension, applies to the Government servant, and if so—
- (i) emoluments reckoning for the family pension
 - (ii) the amount of the family pension becoming payable to the family of the Government servant, if death takes place after retirement—
 - (a) before attaining the age of 65 year, or Rs.....
 - (b) after attaining the age of 65 yearsRs.....

(iii) Complete and up-to-date details of the family as given in Form 3 :-

S. No.	Name of the member of the 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
(Treasury, Sub-Treasury or Branch of Public sector Bank)
30. Details of Provisional Pension and retirement gratuity paid, if any, in case pension case is sent after retirement.

Signature of the
Head of Office

Enclosures:-

- (1) Details of amount of Government dues recoverable from gratuity.
(Annexure I)
- (2) Calculation sheet (Annexure II)

- (3) Retirement order (Form 6)
- (4) Tentative/final Last Pay Certificate (Form 31)
- (5) Certificate for counting officiating pay (Form 32)
- (6) Application to the Treasury Officer for issue of no dues certificate in respect of long term advances (Form 28) or certificate of the Government servant for not taking any L.T.A. (Form 28 A)
- (7) Application to Directorate of Estates/P.W.D. for issue of No Demand Certificate in respect of Government accommodation (Form 27) or certificate of the Government servant for not occupying Government accommodation (Form 27 A)
- (8) Nomination for-
 - (i) Retirement/Death Gratuity; (Form 1 or 2)
 - (ii) Life Time arrears of pension
 - (iii) Commuted amount of pension
- (9) Application for commutation of pension (Form 1 or 2 of R.C.S(Commutation) Rules,1996)
- (10) Declaration by the Government servant and order for admitting service for pension (Form 9 & 9 A)
- (11) Form of option for pension in case of work charged employees

PART II

Section I

Account enforcement :

1. Total period of qualifying service, which has been accepted for the grant of superannuation or retiring or invalid or compensation or compulsory retirement pension and gratuity, with reasons for disallowance, if any (other than disallowance indicated in Part I of this Form)
2. Amount of superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity that has been admitted
.....
3. The date from which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is admissible.....
4. Head of Account to which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is chargeable
5. The amount of the Family Pension becoming payable to the entitled members of the family in the event of death of the Government servant after retirement
.....

Section II

1. Name of the Government servant
2. Class of pension or gratuity
3. Amount of pension authorized
4. Amount of gratuity authorized
5. Date of commencement of pension
6. Amount of family pension in the event of death after retirement—
 - (i) if death takes place before 65 years of age,
or
 - (ii) if death takes place after 65 years of age
7. The Government dues recoverable out of gratuity before authorising its payment
8. The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Government dues
9. Date on which the pension papers received by the Director, Pension.....

Director,
Pension Department

ANNEXURE I
to S. No.- 24 of Form 7

Details of amount of Government dues recoverable.

Name of the Government servant :

Designation :

	Kind of Advance	Amount Outstanding	Amount recovered	Balance		Basis i.e. PWD/ T.O./ LPC etc. (No. & Date)	Head of credit
				Principal	Interest		
1	2	3	4	5	6	7	
I.	Dues of Govt. accommodation						
II.	Long term advance						
	(i) H.B.A. First						
	H.B.A. Second						
	(ii) Repairs Adv.						
	First						
	Second						
	Third						
	(iii) Conveyance Adv.						
	First						
	Second						
	Third						
III.	Other Advances						
	(i)						
	(ii)						
	(iii)						
IV.	Other recoveries						
	(i)						
	(ii)						
	(iii)						

Copies of certificate of PWD/Treasury/LPC etc. are attached.

Signature
Designation
Seal
(HEAD OF OFFICE)

In case no amount of Government dues is recoverable, nil may be shown in the above columns No.4 and 5, and following certificate recorded.

“Certified that no dues are outstanding against the above named Government servant/pensioner.”

ANNEXURE II

to S. No. 20 & 21 of form 7

CALCULATION SHEET

1. AMOUNT OF PENSION

$$\frac{\text{Emoluments last drawn}}{2} \times \frac{\text{Completed six monthly period of qualifying service}}{66} = \text{Pension Amt.}$$

2. AMOUNT OF RETIREMENT/DEATH GRATUITY.

$$\frac{\text{Emoluments last drawn}}{4} \times \frac{\text{Completed six monthly period of qualifying service}}{4} = \text{Amount of Ret. / death Gr.}$$

OR

16.5 times of pay at the time of retirement, whichever is less. This amount should not be more than Rs. 2.50 lacs.

HEAD OF OFFICE
(Seal)

FORM 8

(See Rule 83)

**Form of letter to the Director, Pension
Department Forwarding the pension papers
of a Government Servant.**

**Government of Rajasthan
..... Department**

No.. ..

Date

To,

The Director,
Pension Department
Rajasthan
Jaipur.

Subject:- Pension papers of Shri/Smt./Kumari.....
for authorization of pension.

Sir,

I am directed to forward herewith the pension papers of Shri/Smt./Kumari
..... of this Department/Office for further necessary action.

2. He/She is not a member of C.P.F. and is entitled to Pensionary benefits.
3. The details of Government dues which will remain outstanding on the date of retirement of the Government servant and which need to be recovered out of the amount of retirement gratuity are indicated below :-
 - (a) Balance of the house building or conveyance advance Rs.
 - (b) Overpayment of pay and allowances including leave salary Rs.
 - (c) Arrears of license fee for occupation of Government accommodation Rs.
 - (d) The amount of licence fee for the retention of Government Accommodation for the permissible period of two months beyond the date of retirement.
Rs.

(e) The amount of gratuity to be withheld for adjustment of unassessed dues, if any

Rs.

Total

4. Your attention is invited to the list of enclosures which is forwarded herewith.
5. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instructions for the disbursement of pension have been issued to disbursing authority concerned.

6. Outstanding Government dues as mentioned in para. 2 above may be recovered out of the retirement gratuity before making payment.

Yours faithfully,

Head of Office.

List of Enclosures

1. Form 5. *
2. Form 7 duly completed alongwith enclosures mentioned therein.
3. Descriptive Roll in triplicate (From 5 A) *
4. Medical certificate of incapacity (if the claim is for invalid pension)
5. Service Book (date of retirement to be indicated in the service book)
6. History of Services-Service Card Part III issued by the Accountant General Rajasthan in case of gazetted officers.
7. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.
8. Brief statement leading to reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

NOTE :- When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

* If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 and Form 5A from the Government servant, the Head of Office may forward the pension papers to the Director Pension Department without Form 5 and Form 5A. These Forms may be sent as soon as they are obtained from the Government servant.

FORM 9

(See rule 81 (1) (a) (vi))

**Form of Declaration by the Government
servant for counting specified period of
service.**

(on plain paper)

I, S/O Aged Years,
working as (designation) declare that I have served the State Government from
to, and during this period have worked on the (post) in
(Office/Deptt.). The above period was qualifying for pension under the rules and there was
no break/interruption of any kind during that period.

The documentary evidence and all other information which is in my power to produce
or furnish is enclosed, as listed below :

- 1.
- 2.
- 3.
- 4.

I, solemnly affirm and declare that
to the best of my knowledge and belief, the facts stated above are true and correct.

DEPONENT

(Signature of the
Government servant)

FORM 9 A

(See rule 81(1)(a)(vii))

**Form of order for admitting service for
pension on the basis of declaration etc.
of the Government servant.**

Certified that the service rendered by Shri/Smt./Ku....., at present working as (designation), from to on the post of has been admitted to be continuous and qualifying for the purpose of calculating the pension of the Government Servant. I am satisfied that there has been no interruption in the above period of service except the following;

From to

From to

Signature:

Head of Office
Seal

Dated the :

FROM 10

[See Rule 95 (2)]

**Form of letter to the member or members of
the family of a deceased Government servant
where valid nomination for the grant of the
death gratuity exists.**

Government of Rajasthan

..... **Department**

No.

Date

To,

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

Subject :- Payment of death gratuity in respect of the late Shri/Smt.

Sir/Madam,

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

2. I am to request that a claim for the grant of the gratuity may be submitted by you
in the enclosed Form 12.

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

Yours faithfully,

Head of Office

FORM 11

[See Rule 95 (2)]

**Form of letter to the member or members of the family of a deceased
Government servant where valid nomination for the grant of the
death gratuity does not exist.**

**Government of Rajasthan
..... Department**

No.

Date

To,

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

Subject :- Payment of death gratuity in respect of the late Shri/Smt.

Sir/Madam,

I am directed to say that in terms of Rule 56 of the Rajasthan Civil Services (Pension) Rules 1996 a death gratuity is payable to the following members of the family of late Shri/Smt. (Designation), in the Office/Department of in equal shares:

- (i) Wife/Husband including judicially separated wife/husband.
- (ii) Sons) including step children
- (iii) Unmarried daughters) 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 adoptive parents in case of
- (iii) mother,) individuals whose personal law permits) adoption ;
- (iv) brother below the age of eighteen years and unmarried and widowed sisters including step brothers and step sisters;
- (v) married daughters; and
- (vi) children of a pre deceased son.

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

Yours faithfully,

Head of Office,

FORM 12

[See Rule 95 (2)]

**Form of application for the grant of death
gratuity on the death of a Government servant**

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

- 1. (i) Name of the claimant in case he is not minor
- (ii) Date of birth of the claimant
- 2. (i) Name of the guardian in case the claimants 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 deceased Government servant, etc.—

Serial No.	Name	Age	Relationship with the deceased Government servant	Postal Address
1.				
2.				
3.				
4.				

- (ii) Relationship of the guardian with minor

7. Place of payment of Pension and Gratuity
(Treasury, Sub-Treasury, or Public Sector Bank
Branch)

Signature/Thumb impression
of the claimant/guardian

8. Two specimen signatures ¹or left hand thumb
and finger impressions of the claimant/guardian
duly attested
(To be furnished in a separate sheet)

9. ²Attested by—

Name	Full Address	Signature
(i)
(ii)

10. Witnesses:

(i)
(ii)

-
1. To be furnished in case the applicant is not literate enough to sign his name.
 2. 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 13

[See Rule 95 (3)]

**Form of letter to the widow/widower of
a deceased Government servant for grant
of Family Pension.**

Government of Rajasthan

..... **Department**

No.. ..

Date

To,

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

Subject :- Payment of Family Pension in respect of the late Shri/Smt.

Sir/Madam,

I am directed to say that in terms of chapter V c of the Rajasthan Civil Services (Pension) Rules, 1996 a family pension is payable to you as widow/widower of the late Shri/Smt..... (Designation) in the Office/Department of

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

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

Yours faithfully,

Head of Office

FORM 14

[See Rules 95 (3) and 107 (2)]

**Form of application for the grant of 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. Name and No. of the P.P.O. of the deceased pensioner.....
4. Date of death of the Government servant/pensioner.....
5. Office/Department in which the deceased Government servant/pensioner served last
6. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner.....
- 6.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
7. Full address of the applicant
8. Place of payment of pension and gratuity (Treasury, sub-treasury of Public Sector Bank Branch.....)
9. Enclosures :
 - (i) Details of Particulars Form 14A in triplicate

- (ii) 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 Head of Office).
- (iii) Death certificate
- (iv) Guardianship certificate in case of minor.

10. Indicate whether family pension is admissible from any other source Military or Central or any other State Government and/or a public sector undertaking/autonomous body/local fund under the Central or a State Government

11. Signature of left hand thumb-impression* of the applicant

12. Attested by :

Name	Full Address	Signature
(i) _____	_____	_____
(ii) _____	_____	_____

13. Witnesses :

(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.

* To be furnished in case the applicant is not literate enough to sign his name. In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage (ii) name of the Treasury/Sub-treasury at which payment is desired and (iii) her full address in the application for family pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which family pension was originally admitted to her.

FORM 14 A
(Annexure to Form 14
in triplicate)

FORM OF DETAILS OF PARTICULARS FOR FAMILY PENSION

1. Name of the applicant :
2. Name of the deceased Government servant/Pensioner :
3. Relationship : widow/widower/
son/daughter/
guardian of minor :
4. Date of birth :
5. Height :
6. Signatures :

1.....

2.....

3.....

Left hand thumb and finger
impressions in case not literate
to sign :

Thumb Index Middle Ring Little

7. Personal identification mark :
8. Present Address :
-
-
9. Name of the Treasury/Branch
of Public Sector Bank through
which the pension is to be drawn :
10. Attested photograph :

Attested photograph

Signature of the applicant.

Attested by :
Signature, Name and designation
with seal of the attesting officer.

Dated :

List of enclosures:-

1. Three specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
2. Three copies of passport size photographs of the claimant or guardian duly attested.
3. Three copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.

FORM 15

[See Rule 61 Proviso-I]

Form of application for grant of family pension when a pensioner is unheard for more than one year and the pension remained undrawn.

To

The _____

(Head of Office in which the Government Servant was employed immediately before retirement).

Sir,

I have to state that my husband/wife Shri/Smt. was serving in your department as (Designation) He/She was retired on(date) on (pension) and was sanctioned pension vide pension payment order No..... dated and the pension was drawn regularly up to

I am to state further that my husband/wife (the above noted pensioner) is missing from the house and nothing has been heard so far about his whereabouts. I lodged F.I.R. with the Police, who investigated the case and found that Shri/Smt. is not traceable/found. True copies of the F.I.R./F.R. are enclosed herewith for perusal.

It is therefore, requested that family pension as admissible as per first proviso to Rule 61 of Rajasthan Civil Services (Pension) Rules in force, may please be sanctioned to the applicant from the date my husband/wife is missing/unheard.

Yours faithfully,

(Applicant)

Home Address _____

Date :

Place :

Copy forwarded to the Treasury Officer for information.

(Applicant)

Note:- Form may be suitably revised if the eligible member for family pension is child.

FORM 15 A

(See proviso I to Rule 61)

AFFIDAVIT

(In case of missing pensioner)

IHusband/Wife of Shri/Smt.
resident of..... (Tehsil)..... DistrictState,
do hereby take oath and state as under :

1. That I am the applicant for the grant of Family pension as my wife/husband Shri/Smt. is missing/unheard for more than one year and could not be traced by the police.
2. That I am the rightful claimant of family pension in this case.
3. That the contents mentioned in the enclosed application are true and correct to my personal knowledge.

DEPONENT

VERIFICATION

I, the above named deponent do hereby take oath and verify that the contents of paras of the affidavit are true and correct to my personal knowledge. No part of it is false. Nothing has been concealed. So help me God.

DEPONENT

Date : _____

Place : _____

Address : _____

FORM 15B

[See Rule 61 proviso 1]

FORM OF INDEMNITY BOND

[In the case of missing pensioner]

KNOW ALL MEN by these presents that we (a)(b).....
the widow/son/brother/nominee, etc., of (c)..... who had retired from the
post ofin the Department/Office of and who was in
receipt of pension from.....is reported to have been missing since.
(hereinafter referred to as missing pensioner) resident of..... (hereinafter
called "the Obligor") and (d) son/wife/daughter of Shri.....
resident of..... and.....son/wife/daughter of
resident ofthe sureties for and on behalf of the Obligor (hereinafter
called "the Sureties") are held firmly bound to the Governor of Rajasthan (hereinafter called
"the Government") in each and every sum being the arrears of pension and monthly family
pension and relief thereon well and truly to be paid to the Government on demand and
without a demur together with simple interest at the rate of.....% per annum from the date
of payment until repayment for which payment we bind ourselves and our respective heirs,
executors, administrators, legal representatives, successors and assigns by these presents.

Signed this.....day of.....one thousand nine hundred and.....

WHEREAS (c).....was at the time of his disappearance a Government
pensioner receiving a pension at the rate of Rs.(in words) only per month
and relief thereon from the Government.

AND WHEREAS the said (c)..... disappeared on the.....day
of.....19.....and there was due to him at the time of his disappearance the sum
equivalent of arrears of pension due.

AND WHEREAS the Obligor is entitled to family pension at
Rs.....(Rupees.....only) plus admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid
sum and approached the Government for making payment thereof to avoid undue delay and
hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of
Rs..... (in words) and the monthly family pension at Rs..
..... (in words) plus relief thereon to the obligor upon the obligor and
the sureties entering in to a Bond in the above mentioned sum to indemnify the Government
against all claims to the amount so due to the aforesaid missing Government pensioner.

AND WHEREAS the obligor and at his/her request the surety/sureties have agreed
to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been
made to the obligor, the obligor and/or the surety/sureties shall in the event of a claim being
made, by any other person or the missing pensioner on appearance, against the
Government or in the event of any financial/monitory loss, caused on account of any wrong
facts mentioned in application for the grant of family pension with respect to the aforesaid
sum of Rs. (in words) and the sums paid by the Government as monthly
family pension and relief as aforesaid then refund to the Government the said sum of

Rs..... (in words) and each and every sum paid by Government as monthly family pension and relief together with simple interest @.....% per annum and shall, otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim there to THEN the above written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the surety/sureties hereunder shall not be impaired or discharged by reason or time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the surety/sureties from such liability nor shall it be necessary for the Government to sue the obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above-named "obligor" in the presence of :-

(i) _____

(ii) _____

Signed by the above-named "Surety/Sureties"

(i) _____

(ii) _____

Accepted for and on behalf of the Governor of Rajasthan

[Name and designation of the office directed or authorised, in pursuance of Article 299 (1) of the constitution, to accept the bond for and on behalf of the Governor] in the presence of

(Name and designation of witness)

- Note :- I.
- (a) Full name of the claimant referred to as the "obligor"
 - (b) State relationship of the "obligor" to the "missing pensioner".
 - (c) Name of the "missing pensioner"
 - (d) full name or names of the sureties with name or names of the father (s) husband(s) and place of residence.

Note:- II. The obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

Note:-III. The rate of simple interest will be as prescribed by the Government from time to time.

FORM 16

(See proviso 2 to Rule 61)

**Form of application for grant of family
pension when a Government servant is unheard
of for more than one year.**

To

The _____

(Head of Office where the Government servant was last working)

Sir,

I have to state that my husband/wife Shri/Smt.....
was serving in your department. as (designation).

I am to state further that my husband/wife (the above noted Government servant) is missing from the house and nothing has been heard so far about his whereabouts. I lodged F.I.R. with the police who investigated the case and found that Shri/Smt..... is not traceable/found. True copies of the F.I.R./F.R. are enclosed herewith for perusal.

It is, therefore, requested that family pension as admissible as per second proviso to Rule 61 of Rajasthan Civil services (Pension) Rules in force, may please be sanctioned to the applicant from the date my husband/wife is missing/unheard.

Yours faithfully,

(Applicant's signature)

Name :- _____

Home Address :- _____

Place :- _____

Date :- _____

FORM 16 A

(See proviso 2 to rule 61)

FORM AFFIDAVIT

(In case of a missing Government Servant)

I husband/wife Shri/Smt.
resident of (Tehsil)..... District..... State, do hereby
take oath and state as under:-

1. That I am the applicant for the grant of Family pension as my wife/husband Shri/Smt. is missing/unheard for more than one year and could not be traced by the police.
2. That I am the rightful claimant of Family pension in this case.
3. That the contents mentioned in the enclosed application are true and correct to my personal knowledge.

DEPONENT

VERIFICATION

I, the above named deponent do hereby take oath and verify that the contents of paras of the affidavit are true and correct to my personal knowledge. No part of it is false. Nothing has been concealed. So help me God.

DEPONENT

Date : _____

Address : _____

Place : _____

FORM 16 B

(Proviso 2 to Rule 61)

FORM OF INDEMNITY BOND

(In the case of missing Government servant)

KNOW ALL MEN by these presents that we (a).....(b)..... the widow/son/brother/nominee, etc., of (c)..... who was holding the post ofin the Deptt./Office of is reported to have been missing since. (hereinafter referred to as 'missing Government servant') resident of (hereinafter called "the obligor") and (d) son/wife/daughter of Shri resident of and son/wife/daughter of Shri resident of and son/wife/daughter of resident of the sureties for and on behalf of the obligor (hereinafter called "the Sureties") are held firmly bound to the Governor of Rajasthan (hereinafter called "the Government") in the sum of Rs..... (in words) equivalent of the amount on account of payment of salary, leave encashment, G.P.F., Retirement/Death Gratuity and each and every sum being the monthly family pension well and truly to be paid to the Government on demand and without a demur together with simple interest @ % p.a. from the date of payment thereof until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this day of one thousand nine hundred and

WHEREAS (c) was at the time of his disappearance in the employment of the Government receiving a pay at the rate of Rs..... (in words) only per month from the Government.

AND WHEREAS the said (c) disappeared on the day of 19 and there was due to him at the time of his disappearance the sum equivalent of (i) salary due/(ii) leave encashment, (iii) G.P.F. and (iv) Retirement/Death Gratuity.

AND WHEREAS the obligor is entitled to family pension at

Rs. (Rupees only) plus admissible dearness relief thereon.

AND WHEREAS the obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs..... (in words) and monthly family pension @ Rs..... (in words) only and relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government servant.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing employee on appearance, against the Government or in the event of any financial/monetary loss causes on account of any wrong facts mentioned in application for the grant of family pension with respect to the aforesaid

sum of Rs..... (in words) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs..... (in words) and each and every sum paid by Government as monthly pension and relief together with simple interest @.....% per annum and shall, otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above-written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the Stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named
'Obligor' in the presence of

1.....
2.....

Signed by the above-named 'Surety/Sureties'

1.....
2.....

Accepted for and on behalf of the Governor of Rajasthan by

(Name and designation of the Officer directed or authorised in pursuance of Article 299(1) of the Constitution, to accept the Bond for and on behalf of the Governor) in the presence of.....

(Name and designation of witness)

- NOTE I.- (a) Full name of the claimant referred to as the 'Obligor'.
(b) State relationship of the 'Obligor' to the missing Government servant.
(c) Name of the 'missing Government servant'.
(d) Full name or names of the Sureties with name or names of the father (s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

NOTE III. - The rate of simple interest will be as prescribed by the Government from time to time.

FORM 17

[See rule 75 and 76]

**Form of Application for ex-gratia grant
under certain circumstances.**

(To be submitted in duplicate)

To

The.....

.....

(Head of Deptt./Collector)

(To be submitted through the Head of Office in
Which the deceased was last employed).

Sir,

I have to state that my (relationship) Shri/Smt
was serving in the (Office/Department) (designation)
who died while on duty.

PARTICULARS

1. Name of the applicant
(entitled for family
pension/death gratuity)
in case of non-Govt.
servants).
2. Details of the family
pension if sanctioned
(PPO No. and Amount).
3. Name of the deceased
Government servant.
4. Relationship of the
applicant to the deceased
Government servant.
5. Date of death of the
Government servant while
on duty.
6. Circumstances in which
death took place —

Rule 75

- (a) Outside his normal headquarters,
- (b) in an accident,

- (c) due to injury intentionally inflicted or caused in consequence of the due performance of his duties,
- (d) due to injury intentionally inflicted or caused in consequence of his official position,
- (e) by violence attributable to causes relative to his service,
- (f) while on duty, at own headquarter or outside headquarter, in connection with special assignments like "Election duty", "Census work" and/or such other assignments which do not fall within normal duties of the post held.

RULE 76

- (a) Injury intentionally inflicted by a terrorist in case of Police Civil Defence and Home Guard personnel.
- (b) Attack by poachers on Forestry personnel.

(Note:-Write "Yes" against the circumstance which is applicable and strike out which is not applicable.)

- 7. Emoluments of the deceased Government servant on the day of death :
- 8. Amount of ex-gratia grant admissible
 - (a) Under rule 75 [2], or
 - (b) Under GRD 1 below rule 75, or
 - (c) Under GRD 2 below rule 75, or
 - (d) Under rule 76 (1).
- 9. Full address of the applicant.

It is requested that ex-gratia grant as admissible under Rule 75 or 76 of Rajasthan Civil Services (Pension) Rules, 1996, in force may please be sanctioned to the applicant.

Yours faithfully,

Signature of the applicant
or left hand thumb impression
in case of illiterate.

Place :
Date :

Witness : 1.....
.....
2.....
.....

Attested by a Gazetted Officer
(Seal)

(Note : in case of application under rule 76, the Head of the Department shall forward the same to the concerned Administrative Secretary, for sanction.)

FORM 18

[See Rules 96 (1), 98 (1),(3) and (5)
and 100 (1) and (5)]

**Form for assessing and authorising
the payment of family pension and
death gratuity when a Government servant
dies while in service.**

(To be sent in duplicate if payment is desired in a different Circle of accounting unit)

PART I

Section I

1. Name of the deceased Government servant.....
2. Father's name (and also husband's name in the
case of female Government servant)
3. Date of Birth (by Christian era)
4. Date of death (by Christian era)
5. Religion
6. Office/Department in which last employed
7. Appointment held last
- (i) Substantive
- (ii) Officiating
8. (i) Date of beginning of service
- (ii) Date of ending of service
9. **Military Service**
 - A. (i) Period of service for which pension
or gratuity was sanctioned.....
 - (ii) Amount and nature of any
pension/gratuity received for the same
 - B. Period of service for which no Years Months Days
pension has been earned but
which counts as service under
Rajasthan Government (Rule.....)
10. **Civil Service**
 - A. Amount and nature of any pension/
Gratuity received for previous
Civil Service
 - B. Period of previous Civil Service
which counts as qualifying service under Rule.....

11. **Service under other Governments**

Service rendered under GOI/
others state Governments counting
for pension:-

Name of Government	Years	Months	Days
--------------------	-------	--------	------

12. **Service under Rajasthan Government**

Service Rendered under Rajasthan Government	Years	Months	Days
--	-------	--------	------

13. Government under which service has been rendered in order of
employment.....

14. The date on which intimation regarding the death of Government servant was
received by the head of office

15. The date on which action initiated to -

- (i) obtain claim or claims from the claimants
in the appropriate form for death gratuity
and family pension as provided in Rule 95,
- (ii) obtain the 'No demand certificate' from
the Directorate of Estates as provided in
Rule 101 (1);
- (iii) assess the Government dues other than the
dues pertaining to occupation of Government
accommodation as provided in Rule
101 (2), and ;
- (iv) assess the service and emoluments qualifying
for death gratuity and family pension
as provided in Rules (96) and (97).

16. Whether nomination made for death gratuity, if so, attach a copy

17. Length of service qualifying for death gratuity/pension.....
(Service card issued by A.G. Rajasthan)

18. Periods of non-qualifying service-

- | | From | To |
|---|------|----|
| (i) Interruption in service condoned under
Rule (27) | | |
| (ii) Extraordinary leave not qualifying for
gratuity | | |
| (iii) Period of suspension treated as non qualifying | | |
| (iv) Any other service not treated as qualifying service | | |

Total period of non qualifying service

19. (i) Period of foreign service where pension contribution is to be paid by the Government servant [GRD below Rule 88 and 81 (1)(b) (vii)]

<u>Name of Organisation</u>	<u>Pay scale of the Govt. servant</u>	<u>From</u>	<u>To</u>
-----------------------------	---------------------------------------	-------------	-----------

- (a)
(b)
(c)

(ii) Details of Pension Contribution realised.

20. Details of deposit of employer's share with interest of C.P.F. incase work charged service has been counted for pension (GRD I below rule 14)

21. Emoluments reckoning for death gratuity (see rule 45)

(i) Substantive pay (officiating pay also to be reckoned other than appointment in leave Vacancy or additional charge)

(ii) Personal pay

(iii) *S.P./PAY/N.P.A/N.C.A./R.A. (average of last 10 months as calculated below)

*S.P./N.P.A./N.C.A./R.A.-

drawn during the last ten months of service

Post held	From	To	Pay	NPA/NCA pay or + Special pay / RA	Average Emoluments (10 months)
1	2	3	4	5	6

* Special pay other than for additional charge.

22. Amount of death gratuity (Calculation sheet)

23. (i) Proposed Family Pension at Annexure II
(a) enhanced rate [if service rendered at the time of death is more than seven years as in Rule 62 (ii) (iii)]
(b) ordinary rates-[as in Rule 62(i)]

	From	To
(ii) Period of tenability of Family Pension		
(a) enhanced rates		
(b) ordinary rates		

24. Persons to whom family pension is payable
Name
Relationship with the deceased Government servant.....
Full postal address

25. Amount of Government dues recoverable out of gratuity
- (i) Rent for occupation of Government accommodation [See Rule 101]
 - (ii) Amount of death Gratuity to be held over pending receipt of information from the Directorate of Estates [See Rule 101 (i) (v)]
 - (iii) Dues referred to in Rule 101 (2) (Attach details in Annexure I)
26. Date on which claims received from the claimants
27. Name of guardian who will receive payment of death gratuity and family pension in the case of minors.
28. Place of payment (Treasury , Sub Treasury or Branch of Public Sector Bank)

Place

Signature of

Dated the

Head of Office

Section II

Details of provisional family pension and gratuity to be drawn and disbursed by the Head of Office in accordance with Rule 99 provisional family pension Rs.....p.m.
 Gratuity [75% of the amount mentioned in item 22 of part I] Rs.....

Less

- (a) rent recoverable from gratuity for occupation of Government accommodation [As in item 25 (i) of Part I] Rs.....
- (b) Amount of gratuity to be held over pending receipt of information from the Directorate of Estates [as in item 25 (ii) of part I] Rs.....
- (c) Other Government dues as mentioned in item 25 (iii) of Part I Rs.....
- (d) total of (a),(b) and (c) Rs.....

Place

Signature of

Dated the

Head of Office

Enclosures to Form 18

1. Details of Amount of Government dues recoverable from Gratuity (Annexure I S.No.25)
2. Calculation Sheet. (Annexure II-S Nos.22 & 23)

3. Application for grant of family pension (Form 14) alongwith its enclosures.
Details of particulars for Family Pension (Form 14 A) may be attached in triplicate.
4. Last Pay Certificate (Form 31).
5. Certificate for counting officiating pay (Form 32)
6. Nomination for Death Gratuity (Form 1 or 2)
7. Form of option to work charged employees governed by CPF Rules. (Form 4).

PART II

Account Enforcement

Section I

1. Total period of qualifying service which has been accepted for :-
 - (i) Death gratuity
 - (ii) Family Pension
2.
 - (i) Amount of Gratuity
 - (ii) Net amount of gratuity after adjusting Government dues
3. Amount and the period of tenability of family Pension, if death took place —

	Amount	Period of tenability	
	_____	_____	_____
	Rs.	From	To
(i) Before seven years service
(ii) after seven years service
4. Death from which Family Pension is admissible
5. Head of Account to which death gratuity and family pension are chargeable

Section II

1. Name of the deceased Government servant
2. Date of death of the Government servant
3. Date on which pension papers received by the Director, Pension
4. Amount of family pension authorised
5. Amount of gratuity authorised
6. Date of commencement of family pension
7. Date on which payment of family pension and gratuity authorised
8. Amount recoverable from gratuity
9. Amount of gratuity held over pending receipt of "No demand certificate"

Place
Dated, the

Director, Pension

ANNEXURE I
(to S.No.25 of Form 18)
Details of amount of Government dues recoverable.

Name of the Government servant :
Designation :

Kind of Advance	Amount Outstanding	Amount recovered	Balance		Basis i.e. PWD/ T.O./ LPC etc. (No. & Date)	Head of credit
			Principal	Interest		
1	2	3	4	5	6	7
I.	Dues of Government accommodation					
II.	Long term advances.					
(i)	H.B.A. First					
	H.B.A. Second					
(ii)	Repairs Adv.					
	First					
	Second					
	Third					
(iii)	Conveyance Adv.					
	First					
	Second					
	Third					
III.	Other Advances					
	(i)					
	(ii)					
	(iii)					
IV.	Other recoveries					
	(i)					
	(ii)					
	(iii)					

Copies of certificate of PWD/Treasury/LPC etc. are attached.

Signature
Designation
Seal (HEAD OF OFFICE)

In case no amount of Government dues is recoverable, nil may be shown in the above columns No.4 and 5, and following certificate recorded :

“Certified that no dues are outstanding against the above named Government servant/pensioner.”

ANNEXURE II

(to S.No. 22 & 23 of Form 18)

Calculation Sheet.

I. AMOUNT OF DEATH GRATUITY.

Length of qualifying service

Less than one year	Emoluments	x 2 = Rs.....	
One year or more but less than five year	Emoluments	x 6 = Rs.....	
Five years or more but less than twenty years	Emoluments	x 12 = Rs.....	
Twenty years or more	Emoluments x Completed six	= Rs.....	
		monthly periods of service	

		2	

not exceeding
33 times of
emoluments.

This amount should not be more than Rs. 2.50 lacs.

II. AMOUNT OF FAMILY PENSION

Emoluments at thepercent

(i) **time of death x as per slab** = Rs. (i)

(ii) Minimum Family pension in the slab : Rs.....

(iii) Maximum Family pension in the slab : Rs.

Amount of Family pension determined

based on (i), (ii), & (iii) : Rs..... per mensem

III. AMOUNT OF FAMILY PENSION AT ENHANCED RATES (if service rendered is 7 years or more).

(a) (1) Fifty percent of Emoluments i.e.

Emoluments = Rs.....

2

(2) Double the amount of pension determined in S.No. II Above. Rs.....x 2 = Rs..... whichever is less i.e. Rs. per mensem.

(b) Where Workmen's Compensation Act is applicable:

(1) Fifty percent of Emoluments i.e.

Emoluments = Rs.....

2

(2) One and half times the amount of pension determined in S.No. II above. Rs.....x 1.5 =Rs..... Whichever is less i.e. Rs.....per mensem.

The amount under (a) or (b) shall not exceed Rs. 2,500 p.m.

FORM 19

[See Rule 98 (1)]

**Form of letter to the Director, Pension
Department forwarding papers for the grant
of family pension and death gratuity to the
family of a Government servant who dies while
in service.**

**Government of Rajasthan
..... Department**

No.

Dated the

To,

The Director,
Pension & Pensioner's Welfare Department,
Rajasthan, Jaipur.

Subject :- Grant of family pension and death gratuity.

I am directed to say that Shri
Designation Died on His family had
become eligible for the grant of family pension and death gratuity. Form 18 duly completed
is forwarded herewith for further necessary action.

2. Government dues in respect of the deceased Government servant may be recovered out of the death gratuity as indicated in Section II of part I of Form 18.
3. Your attention is invited to the list of enclosures which is forwarded herewith.
4. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instructions for the disbursement of family pension and death gratuity have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office

List of enclosures

1. Form 18 duly completed.
2. Service book (date of death to be indicated in the service book).
3. History of service-service card part III issued by AG. Rajasthan.
4. Three specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
5. Three copies of passport size photographs of the claimant or guardian duly attested.
6. Three copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.
7. Postal address of the claimant or guardian.

FORM 20

[See Rule 107 (2)]

**Form of letter sanctioning Family Pension
to the child or children of a retired
Government servant who dies after retirement
but does leave behind a widow or widower**

Government of Rajasthan

..... **Department**

No.

Dated the

To,

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

Subject:- Grant of Family Pension to the Child/Children.

Sir,

I am directed to say that Shri/Smt. Formerly
(Designation)
in this Department was authorised pension of Rs. with effect
from on his/her retirement from service.

2. Intimation has been received in this Department/Office that Shri/Smt.
died onand that at the time of death left no widow/widower but was
survived by the following children*:-

S. No.	Name	Son / Daughter	Date of Birth by Christian era	Date from which family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				

3. In terms of Ch. V c of the Rajasthan Civil Services (Pension) Rules, 1996, the amount of Family Pension has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minor to Shri/Smt. who is the guardian.

4. Sanction for the grant of Family Pension of Rs.....per month to the children mentioned above is hereby accorded. The Family pension will take effect fromand subject to the provisions of Rule 67 of the Rajasthan civil Services (Pension) Rules, 1996 will be tenable till
5. Attention is invited to the information furnished in the list of enclosures.
6. The receipt of this letter may kindly be acknowledged and this Department/Office informed that instructions for the payment of Family Pension, to the guardian have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office

List of enclosures

1. Permanent address of the guardian .
2. Place of payment (Government Treasury, Sub-Treasury or Branch of Public Sector Bank).
3. Specimen signature or **left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Three attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian, duly attested.
6. Death Certificate.

* The names of children should be mentioned in the order of eligibility mentioned in Rule of the Rajasthan Civil Services (Pension) Rules, 1996, 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 but children born after retirement should not be included.

** To be furnished in the case of the guardian who is not literate enough to sign his or her name.

FORM 21

[See rule 107 (2)]

**Form of letter sanctioning Family Pension
to the child or children on the death
or remarriage of a widow/widower who was
in receipt of Family Pension**

**Government of Rajasthan
..... Department**

No.

Dated the

To,

The Director,
Pension & Pensioner's Welfare Department,
Rajasthan, Jaipur.

Subject :- Grant of Family pension to the Child/children.

Sir,

I am directed to say that Shri/Smt. widow/widower
of late Shri/Smt. formerly
(Designation)

in this Department/Office was authorised the payment of Family Pension of Rs.
with effect from the Family Pension was tenable till the death or
remarriage of the widow/widower.

2. Intimation has been received in this Department/Office that Shri/Smt.
died/Re-married on
3. At the time of death /re-marriage Shri/Smt.had
following children*:-

S. No.	Name	Son / Daughter	Date of Birth by Christian era	Date from which family pension ceases to be payable
--------	------	----------------	--------------------------------	---

(1)

(2)

(3)

(4)

* The names of children should be mentioned in the order of eligibility mentioned in Ch. V c of the Rajasthan civil Services(pension) Rules, 1996.

4. In terms of Ch. V c of the Rajasthan Civil Services (Pension) Rules, 1996 the amount of Family pension has become payable to the children in the order mentioned above. The family Pension will be payable on behalf of the minors to Shri/Smt.who is the guardian.

5. Sanction for the grant of Family Pension Rs. per month to the children, mentioned above is hereby accorded. The Family Pension will take effect from and subject to the provisions of Rule-67 of the Rajasthan Civil Services (Pension) Rules, 1996, will be tenable till
6. Attention is invited to the information furnished in the list of enclosures.
7. The Receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instructions for the payment of Family Pension to the guardian have issued to the disbursing officer concerned.

yours faithfully

Head of Office

List of enclosures

1. Permanent address of the guardian.
2. Place of payment (Government Treasury, Sub-Treasury, Branch of Public Sector Bank).
3. Specimen Signature of left *hand thumb and finger impressions of the guardian duly attested.
4. Three Attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian, dully attested.
6. Death Certificate.

* To be furnished in the case of the guardian who is not literate enough to sign his or her name.

FORM 22

[See Rule 107 (3)]

**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 ¹pension sanctioned to deceased pensioner
- 8. Amount of retirement gratuity received by the deceased pensioner
- 9. The amount of ²pension drawn by the deceased till the date of death
- 10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension
- 11. Total of items 8,9 and 10
- 12. Amount of death gratuity equal to 12 times of the emoluments
- 13. The amount of residuary gratuity claimed, i.e., the difference between the amount shown against items 12 and 11
- 14. Relationship of the applicant with the deceased pensioner
- 15. Date of birth of the applicant
- 16. Name of the Treasury or Sub-treasury at which payment is desired
- 17. Full Address of the applicant
- 18. Signature or thumb-impression of the applicant
(To be furnished in a separate sheet duly Attested*)
- 19. Attested By :

Name	Full Address	Signature
(i)
(ii)

FORM 23

[See Rule 35 (3)]

FORM OF MEDICAL CERTIFICATE

“Certified that I/(We) have carefully examined A B son of C D 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.

If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence:

In my (our).... opinion his incapacity, _____ is directly due to _____ has been accelerated or aggravated by 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 A B is fit further service of a less laborious 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.”

Medical Authority

Place

Dated, the

FORM 24

[See Rule 29]

Form of certificate of verification of service for pension

No.
Government of Rajasthan
Department of
Dated

CERTIFICATE

It is clarified, in consultation with the senior most member of Rajasthan Accounts Service, that Shri Designation has completed a qualifying service of years months, and days as on (date), as per details given below,. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub rules (1) and (2) or rule 29 of the Rajasthan Civil Services (Pension) rules 1996, shall be subject to final verification of qualifying service which shall be made at the time of retirement of the Government Servant.

DETAILS OF QUALIFYING SERVICE

	From	To
1.		
2.		
3.		

Signature of Head of Office

To,
Shri
(Name and Designation)

FORM 25

[See Rule 9]

**Form of application for permission to State
service officers to accept commercial employment
within a period of two years after retirement**

1. Name of the Officer
(in BLOCK letter)
2. Date of retirement
3. Particulars of the Deptt./Offices in
which the officer served during the last 5 years
preceding retirement (with duration):

Name of Department / Office :	Post held :	Duration	
		From	To

4. Post held at the time of retirement and period
for which held
5. Pay scale of the post and pay drawn by the
Officer at the time of retirement
6. Pensionary benefits :

Pension expected/sanctioned (commutation if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment
proposed to be taken up—
 - (a) Name of the firm/company/Co-operative
Society, etc.
 - (b) Products being manufactured by the firm/
type of business carried out by the firm,
etc.
 - (c) Whether the official had during his official
career, any dealings with the firm, etc. ...
 - (d) Duration and nature of the official dealings
with the firm
 - (e) Name of the job/post offered
 - (f) Whether post was advertised, if not, how
was offer made (attach newspaper cutting
of the advertisement, and a copy of the
offer of appointment, if any)

- (g) Description of the duties of the job/post
- (h) Remuneration offered for post/job
- (i) If proposing to set up a practice, indicate—
 - (a) Professional qualification/in the field of practice
 - (b) Nature of proposed practice

8. Any information which the applicant desires to furnish in support of his request

9. Declaration :

I hereby declare that—

- (i) The employment which I propose to take up will not bring me into conflict with Government;
- (ii) my commercial duties will not be such that my previous official position or knowledge or experience under Government could be used to give my proposed employer an unfair advantage;
- (iii) my commercial duties will not involve liaison or contact with the Government departments.

Signature of the applicant

Dated:

Address:

FORM 26

(Statements I to 4)

STATEMENTS FOR MONITORING AND REPORTING SYSTEM

[See Decision below Rule 94]

Statement No.1

Monthly statement showing particulars of Government servants who became due for retirement in the next eight months.

(To be submitted by the Head of office to the next higher officer)

Statement for the month of19

Name of the office place

1.	2.	3.	4.
S. No.	Name of the Government servant due for retirement	Designation	Date of retirement
5.	Whether action to complete pension papers was initiated two years in advance of retirement [of Rule 5.3 and Rule 5.4 of the R.C.S. (pension) Rules 1996]	6.	Present stage of the case para (3) of GRD 3 below rule 5.17

STATEMENTS FOR MONITORING AND REPORTING SYSTEM

[See Decision (3) below Rule 94)

Statement No.2

Monthly statement showing particulars of Government servants who became due for retirement in the previous calendar month and the date of authorisation of final pension.

(To be submitted by the Head of office to the next higher officer)

Statement for the month of19

Name of the office place

1.	2.	3.	4.
S. No.	Name of the Government servant who retired in the preceding month	Designation	Date of retirement
	5.		6.
	Number and date of final pension payment order, if issued		If final P.P.O. not issued by the date of retirement, the date on which provisional pension and gratuity authorised by the Head of Office
	7.		8.
	In case gratuity was not authorised or a portion of it was with held and the amount subsequently sanctioned		Remark

Part II

1.	2.	3.
S. No.	Total number of Government servants who retired during the preceding month	Total number of Government servants in whose case the final PPO and final Order for gratuity issued before the date of retirement of Government servants
4.		5.
Total number of Government servants in whose case final PPO, etc., has not been issued but provisional pension and gratuity authorised by the Head of office to be paid in the month following the month of retirement of Government servants.		Total number of cases where provisional pension and gratuity was not authorised immediately on retirement and reasons therefor [Col. 2 minus (Col.3 + Col. 4)]

NOTE :- Part II of the Statement is to be submitted by the next higher officer to the Head of the Department.

STATEMENTS FOR MONITORING AND REPORTING SYSTEM

[See Decision (3) below Rule 94]

Statement No.3

Quarterly Statement showing particulars of Government servants where presumptions have been made in favour of retiring Government servants because of incomplete/improper maintenance of service records

(To be submitted to the Head of Department one Quarter in arrear, i.e. Statement of Quarter ending 31st March to be submitted in July of the Year)

Name of the OfficePlace

Statement for the Quarter ending
*31st March/30th June/30th September/31st December

1.	2.	3.	4.
S. No.	Name of the retiring Government servant	Designation	Date of retirement
5.	6	7.	
Date on which final P.P.O. issued	The nature of presumption made	Monetary effect of presumption i.e. the amount by which pension/gratuity of the Govt. servant has increased because of presumption	
8.	9.		
Officer(s) responsible for Improper maintenance of Record	Action taken against The officer responsible for lapse		

* Delete whichever is not applicable

STATEMENTS FOR MONITORING AND REPORTING SYSTEM

[See Decision (3) below Rule 94]

Statement No. 4

Half-yearly Statement showing particulars of Government servants in whose case pension was not determined within six months of retirement

(To be submitted by the Head of the Department to the Secretary of the Department)

Statement for the half-year ending 30th June/31st December

Name of the Department

1.	2.	3.	4.
S. No.	Name of the retiring Government servant	Designation	Date of retirement
5.	6	7.	
Date on which provisional pension authorised	Date on which provisional pension made final	Reason for non-determination of final pension within six months of retirement	

FORM 27

(See Rule 79)

**Form of Application to Directorate of
Estates/P.W.D. for issue of No Demand
Certificate in respect of Government
accommodation.**

To

The Director of Estates,
Rajasthan, Jaipur/
Executive Engineer,
Public Works Department,

(Through Head of Office)

Sir,

I working as in the office of the have been in occupation of Government accommodation and have also taken furniture from P.W.D. stores on rent as under:

1. House No. :
2. Location :
3. Place :
4. Since when occupied :
5. Details of furniture taken on rent

Please issue a no demand certificate in respect of the period preceding eight months of my retirement i.e.....

Yours faithfully,

Signature

(Name of the Government
servant) :

Designation :

.....

Dated :.....

FORM 27 A

(See Rule 79 (3))

in duplicate

**Form of Certificate where no Government
accommodation has been occupied by the
Government servant.**

To

The

.....

.....

(Head of Office)

Subject :- Certificate of non occupation of Government accommodation.

Sir,

I working as in your office, hereby certify that I am not in occupation of any Government accommodation and/or have not taken any articles like furniture etc. from P.W.D. Stores on rent.

I further declare and undertake to inform you for recovery of rent in case any Government accommodation is occupied by me after this date.

Yours faithfully,

Signature

Name and Designation of
the Government servant.

Dated :

FORM 28

(See Rule 94 - Procedure)

**Form of Application to Treasury Officer
for issue of No Dues Certificate in respect
of Long Term Advances.**

To

The Treasury Officer,

.....

.....

(Through : head of office)

Subject : Issue of No Dues Certificate on L.T.A.

Sir,

I working as in the office of the was granted following Long Term Advances, namely House Building Advance, House Repairs Advance and Conveyance Advance, in the entire service period, according to details given against each :-

Kind of Advance	Name of Treasury	Bill No. & date/ date of encashment	Amount sanctioned	L.T.A. A/C No.	Amount paid so far.
1.	2.	3.	4.	5.	6.
Outstanding amount, if any			Amount set apart for recovery from gratuity		
Principal	Interest	Total			
7.	8.	9.	10.		

A. HOUSE BUILDING ADVANCE

- (i) First Advance
- (ii) Second Advance

B. HOUSE REPAIRS ADVANCE

- (i) First Advance
- (ii) Second Advance
- (iii) Third Advance

C. CONVEYANCE ADVANCE

- (i) First Advance
- (ii) Second Advance
- (iii) Third Advance

I certify that I have not been granted any other Long Term advance during my entire service period. Please issue no dues certificate/outstanding amount in respect of the above advances.

Yours faithfully

Signature :
Name & Designation of
Government servant
Dated the

No.....

Forwarded to the Treasury Officer,for issue of a 'no dues certificate' in respect of the above advances. Based on the Service Book, Office copies of Pay Bills, Last Pay Certificate if any issued by the office from where the applicant had come on transfer to this office, and other available records in the office, he has not taken any other Long Term Advance.

Signature :
Head of Office

FORM 28 A

(See Rule 94 - PROCEDURE)

**Form of certificate by the Government servant
where no Long Term Advance has been taken by him.**

(in duplicate)

To

The

.....

.....

(Head of Office)

Subject:- Certificate of not taking any Long Term Advance.-----

Sir,

I working as (Designation)
in your office, hereby certify that I have not taken any kind of Long Terms Advance from the
Government, namely, House Building Advance, House Repairs Advance, Conveyance
Advance etc. during my entire service period.

Yours faithfully

Signature :
(Name of the Government
servant)

Dated the :
No.....

Designation
Dated the

It is certified that the above declaration has been checked and found correct on the
basis of Service Book office copies of pay bills of this office, last pay certificate, if any,
issued by the office from where he has come on transfer to this office, and other available
records in this office.

Signature :
Head of Office
Designation :
Seal

FORM 29

(See Rule 107 (2) (A))

Form of Intimation regarding death of a pensioner where payment of family pension has been authorised to the widow/widower

From :

The Treasury Officer/Branch Manager
.....
Nationalised Bank
(Pension Disbursing Authority)

To,

The Director,
Pension and Pensioner's Welfare Department,
Rajasthan, Jaipur.

Dated the : 19

Subject:- Intimation regarding death of pensioner where payment of Family Pension has been authorised to widow/widower.

Sir,

I am to inform you that Shri/Smt. holder of P.P.O. No. who was drawing his/her pension from this Treasury/Sub-treasury/Bank died on

2. The first payment of family pension @ Rs. (Rupees only) per month has been made tofor the period from to in T.V. No.dated and included in the pension payment schedule for 19..... Before making the said payment, the death certificate, the application form and other documents prescribed therein have been obtained from the claimant and accepted after necessary scrutiny. I have also personally satisfied myself about the identity and title of the claimant.

Yours faithfully,

Treasury Officer/Branch Manager

Note:- In case of Nationalised Bank, a copy shall be sent by the Branch Manager to the concerned Treasury Officer.

FORM No.30

(See Rule 104)

**Form of application by a pensioner for
endorsement of particulars of spouse for
post retiral marriage.**

(To be filled in triplicate and submitted to Head of Office which processed
pension papers initially)

To,

The Director,
Pension and Pensioner's Welfare Department,
Rajasthan, Jaipur.

Sir,

I am to state that I have married/remarried on I give below the
requisite particulars, of my spouse for necessary endorsement on my P.P.O.

I also enclose (i) 3 copies of pass port size joint photograph with my spouse duly
attested (ii) an attested copy of marriage certificate from Registrar/Gram Panchayat/ District
Magistrate for necessary action.

1. Name of the Pensioner (as recorded in PPO)
2. Full present Address.
3. Date of retirement.
4. P.P.O. No. & Date
5. Name of Pension Disbursing Authority
6. (a) Details of family as given in the application for the grant of pension.
(b) Date of death/divorce of the previous spouse
(Attested copies of death certificate/divorce decree to be enclosed).
7. Particulars of spouse from post-retiral marriage
 - (I) Name
 - (II) Date of marriage with the pensioner (please attach attested copy of marriage certificate)
 - (III) Joint photograph of the pensioner and the spouse referred to at item (a) above duly attested.

Encl : 3 copies of Joint
photographs,
marriage certificate

I certify that the particulars furnished above are correct.

Signature of Pensioner

Attested by
(with name in block letters
with address)

1. Signature
Name :
Address :
2. Signature
Name :
Address :

Place :
Date :

Note :- Attestation should be done by two Gazetted Government servant or by two respectable persons in the town/village in which the applicant resides.

Form 31

[See rule 8 and 96 (4)]

Form of Tentative Last Pay Certificate

(To be attached with form 7 or 18)

Department.....

Office.....

1. Tentative/Final Last Pay Certificate of Shri/Smt. Designation
..... who has retired/is to retire on.....

2. He has been/will be paid up to.....at the following rates :—

Substantive pay.....P.M.

Officiating pay.....P.M.

Special pay.....P.M.

Allowances:

Dearness Allowance.....P.M.

House Rent Allowance.....P.M.

City Compensatory Allowance.P.M.

Any other Allowance.....P.M.

Total : _____

3. He has handed over/will hand over the charge of.....Office in the
forenoon/afternoon of.....

4. The following amount is to be recovered from the Pension/DCRG:-

Details of Recovery	Amount outstanding	Amount Recovered	Balance Principal/ Interest	Authority (basis) of Recovery	Head of credit
I. Dues of Government accommodation					
II. Long Term Advances					
(i) House Building Advance		I			
		II			
(ii) House Repairs Advance		I			
		II			
		III			
(iii) Conveyance Advance		I			
		II			
		III			

- III. Any Other Advance
(give details)
 - (i)
 - (ii)
 - (iii)

- IV. Other recoveries
 - (i)
 - (ii)
 - (iii)
-

Signature of D.D.O.
Office/Department

FORM NO.32

(Rule 45 (note 3))

Form of Certificate for counting officiating pay.

Certified that the officiating appointment of Shri/Smt./Ku.
on the post was not in the leave vacancy or to hold the charge of
higher post in officiating capacity in addition to his own duties.

Signature.....
Designation.....
(Appointing Authority)

Dated

FORM NO. 33
FORM FOR SANCTIONING PROVISIONAL
PENSION/FAMILY PENSION AND
RETIREMENT/DEATH GRATUITY
(See Rule 5.9 and 5.22)

1. Name of the Government servant
2. Father's Name (and also husband's name in the case of a female Government servant) Photograph attested by
Head of Office
3. Date of birth (by Christian era)
4. Permanent residential address
5. Present or last appointment including name of establishment:
(i) Substantive
(ii) Officiating, if any.
6. Date of beginning of service
7. Date of ending of service/Date of Death (For Family Pension)
8. Total qualifying service which counts for pension.
9. Emoluments reckoning for Pension and Gratuity.

PART - I

10. Amount of Pension:

$$\frac{\text{Emoluments last drawn}}{2} \times \frac{\text{Completed six monthly period of qualifying service}}{66} = \text{Pension Amount}$$

11. Amount of Retirement gratuity:

$$\frac{\text{Emoluments last drawn}}{4} \times \frac{\text{Completed six monthly period of qualifying service}}{66} = \text{Amount of retirement gratuity}$$

OR

16½ times of emoluments at the time of retirement, whichever is less (This amount should not more than Rs. 2.50 lacs).

12. Provisional Pension = 100% of amount arrived at item No.10.
13. Provisional Gratuity = Rs.... (75% of the amount arrived at item No.11 if no amount of HBA has been set apart for recovery out of gratuity otherwise not exceeding 20%)
14. (a) Details of amount recoverable from gratuity under sub-rule (1) of Rule 5.8 = Rs.....
- (b) Net amount payable of provisional Gratuity (item No.13-item No.14 (a)). = Rs.....

PART - II

15. Amount of Family Pension
- (i) Emoluments at the time of death X ... percent = Rs.....
(As per slab)
- (ii) Minimum Family pension in the slab = Rs.....
- (iii) Maximum family pension in the slab Amount of family pension determined based on (i), (ii) and (iii) = Rs.....
16. Amount of family pension at enhanced rates (if service rendered is 7 years or more)
- (a) (i) Fifty percent of emoluments = Rs.....
- (ii) Double the amount of pension determined at item No.15 above = Rs.....
- Amount of family pension at enhanced rate (amount of (i) or (ii) whichever is less) = Rs.....
- (b) where workmen's Compensation Act is applicable
- (i) Fifty percent of emoluments = Rs.....
- (ii) One and half time the amount of pension determined at item No.15 above = Rs.....
- Amount of Family pension at enhanced rate (amount at (i) or (ii) whichever is less) = Rs.....

Note:- The amount under (a) or (b) shall not exceed Rs.2500/-p.m.

17. **Amount of Death Gratuity**
Length of qualifying service:

Less than one year	emoluments X 2 = Rs.....
One year or more but less than five years	emoluments X 6 = Rs.....
Five years or more but less than twenty years	emoluments X 12 = Rs.....
Twenty years or more	Completed six emoluments X monthly period of service <hr style="width: 10%; margin: 0 auto;"/> 2 = Rs.....

Note: This amount should not exceeding 33 times of emoluments and Rs.2.50 lacs.

18. Provisional Family Pension = 100% of amount determining at item No.15/16 as the case may be.
19. Provisional Death Gratuity = 75% of amount determined at item No.17.
20. Details of amount recoverable
- (a) Out of Gratuity under sub-rule (4) of Rule 5.21 = Rs.....
- (b) Net amount payable of provisional Death Gratuity (item No.19-item No.20 (a)) = Rs.....

PART III

In exercise of powers conferred under Rule of R.C.S. (Pension) Rules the undersigned, having satisfied that the pension case has been sent/not sent to the Director, Pension Department and the same has not been finalised so far hereby sanction the provisional pension/family pension w.e.f.as above in Part I/II and Provisional Retirement/Death Gratuity to Shri/Smt./Ku.

Signature Designation of the
Head of Office with Rubber Stamp

Copy forwarded to the-

1. Director, Pension Department, Rajasthan, Jaipur.
2. Concerned Head of Department.
3. Sh./Smt./Ku.
- 4.
- 5.
- 6.
- 7.

Signature and Seal of Head of
Office