

## **Retirement Benefits**

### **1. Timely payment of retirement benefits – your duties( HOO)**

It is in your own interest to ensure that your service book and leave accounts are maintained by your employer properly and ensure that –

1. an entry exists in your service book that you have been medically examined and found fit on your initial appointment;
2. the date of birth and the date of confirmation in a service or post is properly recorded in the service book;
3. the annual certificates of verification of service with reference to pay bills are regularly recorded in the service book and are continuous;
4. entry has been made in the service book regarding counting the period of extraordinary leave as qualifying for pension;
5. an entry is made in the service book if the pre-break service would qualify or amount of forfeiture of past service;
6. entry is made in the service book regarding recovery of leave and pension contributions, for foreign service, if any, specifying the period;
7. nomination for Retirement/Death Gratuity is kept in safe custody by the Head of Office or other responsible officer and that a clear note has been made in the service book as to what nominations and related notices have been received and where they have been lodged for safe custody;
8. nomination for GPF is kept by your Accounts Officer and an entry is made to that effect in the service book;
9. nomination for Group Insurance Scheme is kept in Part II of your service book and an entry is made to that effect in the service book;
10. list of family member is kept in Part II of your service book and an entry is made to that effect in the service book;
11. list of family member is kept current by intimating changes, if any, from time to time
12. if you have already made nominations, you should check if they become invalid or would require to be cancelled and fresh nominations made because of changes in the family, e.g., birth, death, divorce, etc.;

13. you preserve copies of the nominations made by you in your personal custody or in safe deposit along with your other important personal documents so as to be easily located in any contingency;
14. you inspect your service book every year and affix your signature in token having inspected the same as provided for in SR 202 to ensure the accuracy in entries, etc.

## **2. Date of Retirement**

1. The age prescribed for retirement on superannuation – 58 years.

Retirement is effective from the afternoon of the last day of the month in which age of superannuation is attained.

*Exception:-* An employee whose birth date is the first of the month in which age of superannuation is attained.

The day of retirement on superannuation will be deemed as a working day.

2. **Other cases of retirements:-** In case of premature / voluntary retirement, the day of retirement will be treated as a 'non- working day'; in all other cases it will be a working day:- *FR 56; Rule 5, Pension Rules.*
3. **Relinquishment of charge on a Holiday:-** The Government servant retiring on superannuation should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday. The case, stores, etc., may be made over by the retiring officer 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:- *GIO (3), FR 56.*

## **3. Voluntary Retirement**

1. **An employee has the right to retire** and get pensionary benefits by giving three month's notice to the appointing authority –
  - (i) *After attaining the age of 50 years;*

Groups 'A' and 'B' Officers who had entered service before attaining the age of 35 years.

(ii) *After attaining the age of 55 years:*

Group 'A' and "B' Officers other than (i) above;

Group 'C' employees,

Group 'D' employees who had entered service after 23-7-66

(iii) *On completion of 30 years qualifying service:*

All employees.

Retirement becomes effective on the expiry of notice period, without awaiting appointing authority's approval, unless the official is under suspension.

*-FR 56; Rule 48, Pension Rules.*

**2. Employees have the option to retire voluntarily** on completion of 20 years qualifying / continuous service by giving three months notice.

Retirement will take effect on expiry of notice period, unless before expiry thereof, permission for retirement is refused by the appointing authority.

*- Rule 48-A, Pension Rules.*

**3. Weightage of up to five years** in cases 1 and 2 above will be added to the qualifying service of the official provided that –

(a) the total qualifying service including the weightage does not exceed thirty – three years;

(b) the period does not go beyond the date of normal superannuation; and

(c) the weightage is used only for the purpose of reckoning qualifying service for pension/gratuity and does not confer any other benefit like notional increase in pay, etc.

*- Rule 48-B, Pension Rules.*

**4.** Notice can be withdrawn with the permission of the Appointing Authority if the request is made within the intended date of retirement.

*- Rule 48 & 48-A; FR 56*

**5.** The appointing authority at its discretion can accept a notice of less than three months; but commutation of pension can be applied for only after the expiry of normal notice period of three months

*- Rule 48 & 48-A; FR 56.*

## **4. Premature Retirement**

Premature retirement is distinct from (i) compulsory retirement ordered as penalty, and (ii) voluntary retirement.

1. **Conditions:-** The appointing authority has the absolute right to retire an employee from service if it considers necessary to do so in public interest by giving him notice of not less than three months in writing or pay and allowances in lieu thereof, in the following circumstances:-

(a) *After attaining age of 50 years:*

Group 'A' and 'B' Officers who had entered service before attaining the age of 35 years.

(b) *After attaining age of 55 years:*

(i) Group 'A' and 'B' officers other than above.

(ii) Group 'C' employees.

(iii) Group 'D' employees who had entered service after 23-7-1966.

(c) *On completion of 30 years qualifying service:*

All employees.

2. **Restrictions :-** The power should NOT be exercised-

(a) To retire an employee on grounds of misconduct or as a shortcut to avoid formal disciplinary proceedings; or

(b) For reduction of surplus staff or for effecting general economy without following the instruction relating to retrenchment.

3. **Appeal:-** An employee served with a notice / Order of premature retirement may represent within three weeks from the date of service of such a notice/ order of premature retirement, for consideration by the appropriate committee.
4. **Premature retirement benefits:-** Full pensionary benefits but weightage in qualifying service is not admissible: - *Rule 48 (1) (b). Appendix 10 & FR 56 (j).*

## **5. Gratuity**

1. **Service Gratuity:-** A lump sum payment is admissible to a permanent employee who retires from service before completion of 10 years of qualifying service at the rate of half month's emoluments for every completed six monthly period of qualifying

service. No pension – recurring monthly payment – is admissible to those who retire before completion of 10 years qualifying service and this service gratuity is in lieu of pension. This gratuity is in addition to retirement gratuity admissible to those who completed 5 years qualifying service;- Rule 49 (1).

2. **Retirement Gratuity** is admissible to permanent employees who retire after completion of 5 years of qualifying service at the rate of ‘one- fourth’ of emoluments for each completed six- monthly period of qualifying service subject to a maximum of 16<sup>1/2</sup> times ‘ the emoluments’ or Rs. 3.50 lakhs, whichever is less. Temporary employees (i) who retire on attaining the age of superannuation or on invalidation after a continuous service of not less than 10 years; (ii) who retire voluntarily after a continuous service of 20 years and more are also eligible for the payment of retirement gratuity at the above rate:- *Rule 50 and Rule 10 (1-B), CCS (TS) Rule, 1965.*

3. **Death Gratuity** is admissible in the case of death in service of a permanent or temporary employee at the following rates:-

Length of service	Death Gratuity payable to family
(i) Less than one 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 ‘emoluments’ or Rs. 3.50 lakhs, whichever is less.

*Rule 50 and Rule 10 (2), CCS (TS) Rule, 1965.*

4. **Rounding off:-** The amount of gratuity should be rounded off to the next higher rupee.
5. **Residuary Gratuity:-** When an employee dies within five years after retirement, the total amount actually received by him on account of pension( or service gratuity), dearness relief on pension, retirement gratuity, commutation amount, is less than 12

times the 'emoluments' drawn by him at the time of retirement, the deficiency is granted to his nominee/ family. This is termed 'residuary gratuity:- Rule 50 (2).

**NB:- For an employee, who retires from service but has not in 5 years of qualifying service ,he/she shall be entitled to**

- (i) Service Gratuity.
- (ii) Retirement Gratuity.

**6. Death Gratuity is payable** to the nominee(s) / eligible member(s) of the family of the deceased employee; -*Rule 51.*

Minor's whole share of gratuity is to be paid to the natural guardian of the minor and in the absence of a natural guardian to the person who furnishes a guardianship certificate. – *Rule 51 GID (3)*

Minor's share of gratuity up to Rs. 10,000 or first Rs. 10,000 (if it exceeds Rs. 10,000) is payable to the guardian without production of guardianship certificate: - *GID (4), Rule51.*

**7. Nomination:-** Every employee on his initial confirmation in a post should make a nomination in the prescribed form conferring on one or more persons the right to receive the Death / Retirement Gratuity amount in the event of his death in service / after retirement before receiving retirement gratuity. Nomination has to be made in the following manner:-

**(A) If the official has a family:-** Only in favour of member(s) of family.

**(B) If the official has no family:-** Can be in favour of any persons(s) or a body of individuals, whether incorporated or not. Such a nomination will, however, become automatically invalid when the employee acquires a family, when he has to make a fresh nomination in favour of any person(s) as in (A) above.

In both cases (A) and (B) if the nomination is in favour of more than one persons, the share of gratuity payable to each has to be specified.

The employee may specify the person(s) to whom the right conferred on nominee(s) shall pass in the event of death of the nominee(s)

The employee may provide in the nomination the contingency on the happening of which the nomination will become invalid.

In such a case the employee should furnish fresh nomination without delay on the occurrence of the specified contingency. - *Rule 53.*

**8. Family for the purpose of Gratuity means-**

*(a) First category –*

- (i)* wife or wives including judicially separated wife or wives, in the case of a male employee;
- (ii)* husband including judicially separated husband, in the case of a female employee;
- (iii)* sons including step-sons and adopted sons;
- (iv)* unmarried daughters including step-daughters and adopted daughter.

*(b) Second Category –*

- (v)* Widowed daughters including step- daughters and adopted daughters;
  - (vi)* Father
  - (vii)* Mother
- } Including adoptive parents
- (viii)* Brothers below the age of eighteen years including step-brothers;
  - (ix)* Unmarried sisters and widowed sisters including step-sisters;
  - (x)* Married daughters; and
  - (xi)* Children of a predeceased son. -Rule 50(6)

**9. Payment when there is no nomination/ valid nomination:-** Retirement gratuity remaining unpaid at the time of death/ death gratuity due is payable in equal shares to all the surviving members of his family as in the first category [in para. 8 (a) above]. If there is none under this category, it will then be paid in equal shares to all the surviving members of his family as in the second category *ibid*: - *Rule 51 –(1)(b)*

**10. A nominee is debarred to receive RG/DG:-** When convicted for the murder or abetting in the murder of the employee, his / her share will be paid to the other eligible members of the family:- *Rule 51-A*.

**11. RG/DG lapses:-** When an employee dies in service or after retirement before receiving the amount and leaves behind no family and had made no nomination or the nomination, if any, does not subsist, the RG/DG shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by the Court of Law. Otherwise it lapses:- *Rule 52*.

- 12. 'Emoluments'** for the purpose of retirement / death / service gratuity means 'pay' as defined in FR 9 (21) (a)(i), i.e., basic pay (substantive or officiating) only. It includes non-practicing allowance and stagnation increment also. When there is reduction in the 'emoluments' during the last ten months of service, otherwise than as a penalty, gratuity may be based on 'average emoluments' for the last ten months instead of 'emoluments'- *Rule 50(5)*.
- 13. Recovery from RG/DG** of Government dues is permissible without the consent of the employee (if he is not alive, of his nominee /family members).- *Rules 73 & 80-C*.
- 14. No Income Tax on RG/DG:-** *IT Act, Sec. 10(10)(i)*.
- 15. Court attachment:-** RG/DG is not liable to be attached,- *Sec. 60, Code of Civil Procedure*.

## **6. Classes of Pension**

**Pension** – a recurring monthly payment – is admissible to permanent employees who retire or are retired with a qualifying service of not less than ten years. Temporary employees who retire on superannuation or invalidation after rendering not less than ten years of service or retire voluntarily after 20 year's continuous service are also eligible for pension. The different classes of pension are –

- 1. Superannuation pension** on retirement after superannuation while on duty or on leave or under suspension:- *Rule 35*.
- 2. Retiring pension** on voluntary or premature retirement before superannuation :- *Rule 36*.
- 3. Pension on absorption in or under a Corporation, Company or Body, Owned or controlled or financed by the Government**, if the absorption is declared by the Government to be in public interest. Pension to employees absorbed on their own volition is granted under Government sanction.

If the Central Autonomous Body, Central Statutory Body, or a Central University has a pension scheme, the Government servant will have an option (a) to receive pro rata retirement benefits or (b) continue to have the benefit of combined service under the Government and in the autonomous body. If he elects (b), the service rendered under Government will qualify for pension on retirement from these bodies:- *Appendix 18*.

4. **Invalid pension** on retirement after being declared by the competent medical authority to be permanently incapacitated for further service. – Rule 38.
5. **Compensation pension** on selection for discharge owing to the abolition of his permanent post and provision of alternate employment of equal status is not possible, or offer of a lower post is not accepted – *Rule 39*.
6. **Compulsory retirement pension** is granted on compulsory retirement as a measure of penalty by the competent authority. Such pension or gratuity or both will not be less than two thirds nor more than full compensation pension or gratuity or both admissible on the date of compulsory retirement:- *Rule 40*.
7. **Compassionate allowance** is on dismissal or removal, sanctioned by the competent authority in a case deserving special consideration. This is also pension by the amount should not exceed two-thirds of pension or gratuity or both, which would have been admissible to him if he had retired on compensation pension.
8. **Minimum amount** of any class of pension will be Rs. 1275 (now 1913 p.m.)..

## **7. Qualifying Service**

1. **Qualifying service** of a Government servant commences from the date he takes charge of the post to which he is first appointed in a permanent capacity. Temporary service followed by confirmation without interruption will also qualify.
2. **General condition:-** The service of a Government servant shall not qualify unless his duties and pay are regulated by the Central Government. However, if a State Government servant is appointed on deputation to a post under Central Government and subsequently transferred permanently to the Central Government, the continuous service rendered by him under the State Government will qualify.
3. **Periods counting as qualifying service:-** The following periods of service count as qualifying service:-
  - (i) Duty and periods treated as ‘duty’
  - (ii) All kinds of leave with leave salary.
  - (iii) Deputation and Foreign service.
  - (iv) Extraordinary leave on medical certificate and Extraordinary leave without medical certificate granted due to inability of the employee to join/rejoin duty on account of civil commotion or for prosecuting higher technical and

scientific studies. This period automatically counts as qualifying service without any further sanctions.

- (v) Periods of pre-appointment training followed immediately by appointment as Groups 'C and 'D' employees.
- (vi) Service on probation followed by confirmation.
- (vii) Service as SAS apprentice.
- (viii) Suspension followed by minor penalty
- (ix) Suspension followed by major penalty; period of absence from duty including period of suspension if any, if the reinstating authority orders that it shall count.

**4. Periods not counting as qualifying service:-** The following periods of service will not count as qualifying service:-

- (i) Service rendered before attaining the age of 18 years.
- (ii) Service as Apprentice except SAS Apprentice.
- (iii) Unauthorised absence treated as '*dies non*'
- (iv) Overstayal of leave / joining time not regularized as leave with leave salary.
- (v) Suspension followed by major penalty, if the reinstating authority does not order that it shall count as qualifying service.

**5. Counting of service on contract:-** A person who is initially engaged on a contract for a specified period and is subsequently appointed to the same or another post in a permanent capacity in personable establishment has the option to forgo Government 's contribution to Contributory Provident Fund including any other compensation for that service in which case the period of that service will qualify:-  
*Rule 17.*

**6. Counting of service paid from contingencies:** if the employees paid from contingencies were subsequently brought on to regular establishment half the service paid from contingencies will be allowed to count as qualifying service: -  
*GID (2), Rule 14.*

**7. Counting of Pre-retirement Civil / Military Service:-** In the case of re-employed Civil / Military personnel, the pre-retirement Civil/Military service will count as qualifying service under certain conditions:- *Rule 18.*

- 8. Rounding off:-** Qualifying service for pension/gratuity is calculated and expressed in completed half-year. Fractions equal to three months and above shall be treated as one half-year. Fraction of less than 3 months will be ignored, e.g.,

Period of service			Six-monthly periods	Period of service			Six-monthly periods
Years	Months	Days		Years	Months	Days	
9	8	29	19	9	9	00	20
19	8	20	39	19	9	00	40
24	7	15	49	24	10	00	50
32	5	25	65	32	9	00	66

- Rule 49 (3)

- 9. Intimation to employees about their qualifying service:-** The Head of Office in consultation with the Accounts Officer shall verify the service rendered by a Government servant who has completed 25 years of service or is within 5 years of retirement, determine the qualifying service and communicate to him the period of qualifying service so determined.

-Rule 32(1).

## **8. Emoluments and Average Emoluments**

The terms 'emoluments' and 'average emoluments' have primary significance in determination of pension / Service Gratuity and Retirement / Death Gratuity. Gratuity is normally based on 'emoluments' and pension is based on 'average emoluments'.

**Emoluments** for the purpose of determination of pension /gratuities include only 'basic pay' (substantive or officiating) drawn under the Government; but does not include special pay, personal pay, deputation (duty) allowance, etc. However, non- practicing allowance and stagnation increments count as 'emoluments'. There is no ceiling on reckonable emoluments for calculating retirement/death gratuity:- *Rule 33*.

**Average emoluments** is the average of the emoluments drawn during the last ten months of service:- *Rule 34*.

**Pension** is determined on the basis of 'average emoluments:- *Rule 49*.

**Retirement /Death Gratuity** is based on the emoluments drawn at the time of retirement/death while in service. However, it will be based on the 'average emoluments'

when the emoluments have been reduced during the last ten months of service otherwise than as penalty:- *Rule 50*.

**Emoluments/Average Emoluments during the period of absence from duty:-**

1. If an employee immediately before retirement or death in service had been on leave with leave salary, the emoluments which he would have drawn had he not been on leave will be taken as 'emoluments'. Increment falling due, though not drawn, during earned leave not exceeding 120 days will be taken as 'emoluments'.
2. If he had been under suspension and subsequently reinstated in service without forfeiture of service, the emoluments which he would have drawn had he not been under suspension will be taken as 'emoluments'.
3. If he had been on extraordinary leave, emoluments drawn immediately before proceeding on such leave will be taken as 'emoluments'.
4. For the period of leave with leave salary taken while officiating in a higher post, the emoluments drawn in the higher post will be taken as 'emoluments' only if it is certified that he would have continued to officiate in the higher post but for proceeding on leave.
5. For the period of leave with leave salary, taken while on reversion to parent department from deputation in another Government Department, the emoluments which he would have drawn had he not been absent from duty from the post held in the borrowing department will be taken as 'emoluments'.
6. In calculating 'average emoluments' the period(s) of extraordinary leave, overstayal of leave or joining time and suspension not counting for pension falling within the last ten months will be ignored and a corresponding period added before ten months:- *Rule 33 & 34*.

## **9. Calculation of Pension**

**Amount of pension** is related to the length of qualifying service rendered by the employee and average of the 'emoluments' drawn by him during ten months immediately preceding the date of retirement.

**Full pension** is admissible to an employee who retires after completing qualifying service of not less than thirty-three years and the amount of pension is determined at 50% of the average emoluments subject to a minimum of Rs. 1,275 p.m.(now Rs. 1913 p.m.).

**Proportionate pension** is admissible when an employee retires before completing 33 years of qualifying service but after completing 10 years of qualifying service. The amount of pension will be proportionate to the amount of pension admissible for qualifying service of 33 years and is subject to a minimum of Rs. 1,275 p.m.(now Rs. 1913 p.m.).

***Example:***

**Qualifying service 32 years:**

Average emoluments Rs. 2,975.

Pension for 33 years of qualifying service:

50% of (average emoluments') Rs. 2,975 = Rs. 1,487.50.

Pension for 32 years of qualifying service:

Rs. 1,487.50 x 32/32 = Rs. 1,442.42 = Rs. 1,443 p.m. (rounded off).

In no case, a pension (including compassionate allowance) granted shall be less than Rs. 1,275 p.m.(now Rs. 1913 p.m.) and in the case of retirement on invalidation, the amount of monthly pension granted shall not be less than the amount of family pension admissible at the normal rates.

For all classes of pension , the method of determination of pension (including compassionate allowance) is the same:- *Rule 49*.

**Rounding off:-** The amount of pension should be rounded off to the next higher rupee. This should be done only at the final stage: *Rule 49 (4)*

## **10. Commutation of Pension**

**1. Eligibility:** Every pensioner is eligible to commute a portion of his monthly pension (excluding personal pension) for a lump sum payment, i.e. commuted value of pension.

An employee or pensioner against whom departmental or judicial proceedings are pending is, however, not eligible to commute a portion of his pension till completion of such proceedings: -Rules 4& 5, Appendix 1.

**2. Amount admissible for commutation:-** Not exceeding 40% of monthly pension. Any fraction in the amount offered for commutation will be ignored.

**3. Commutation without medical examination:-** Persons in receipt of the following kinds of pension (including provisional pension) can commute up to 40% of their pension without undergoing medical examination; if they apply for commutation before the expiry of one year reckoned from –

(i) The date of retirement in the case of

(a) Superannuation pension

(b) Retiring pension

(c) Compensation pension

(ii) The date of issue of retirement orders in the case of Pension on absorption in a corporation, Company or body, etc.,

(iii) The date of issue of final orders in the case of Pension granted on finalization of departmental/ judicial proceedings and issue of final orders thereon.

- Rule 12, Appendix 1

**4. Commutation after medical examination:-** The following categories of pensioners can commute a portion of their pensions only after they have been medically examined and declared fit by the appropriate medical authority:-

(i) retired on invalidation;

(ii) retired compulsorily as a measure of penalty;

(iii) in receipt of compassionate allowance; and

(iv) all pensioners applying for commutation after one year from the date of retirement:- Rule 18, Appendix 1.

**5. Withdrawal of application for commutation on MC-**

(i) Permissible before medical examination;

(ii) Permissible after medical examination. If pensioner declines to accept addition to actual age directed in the medical report., within 14days of its receipt;

(iii) Treated as withdrawn if pensioner fails to take the medical examination.

- Rules 24 & 28, Appendix 1

**6. Competent Medical Authority :-**

(a) Medical Officer not lower in status than that of a Civil Surgeon or a District medical Officer.

(b) Medical Board,

(i) Commutation of invalid pension;

(ii) In all cases of a second medical examination for commutation of pension.

-Rule 22, Appendix 1.

**7. Second Medical Examination:-** A pensioner who has declined to accept commutation on the basis of addition of years to his actual age as recommended by the medical authority or has been refused commutation on medical ground is eligible to take medical examination for commutation after one year from the date of the first medical examination. However, the second medical examination may be held even before the expiry of one year, if the pensioner appeals to his last Head of Office against the medical verdict and seeks review thereof by a second medical authority. The appeal should be preferred within a month of receipt of certificate by the pensioner:- *Rules 26 and 27, Appendix 1.*

**8. When commutation becomes absolute:-** The commutation becomes absolute and the commuted value of pension becomes payable on the date-

(i) Following the date of retirement in the case where the application for commutation of superannuation pension is received by the Head of Office on or before the date of superannuation;

(ii) Of receipt by the Head of Office of the application for commutation of pension without medical examination before the expiry of one year as mentioned in para 3 above;

(iii) On which the Medical Authority signs the medical report for commutation;

(iv) On which the first Medical Authority recorded its opinion when its decision is set aside or modified on appeal

-Rule 6&27 (7), Appendix 1.

**9. Calculation of Commutation Amount:-**

Lump sum payable = Commutation factor x 12 x amount of pension offered for Commutation.

The product should be rounded off to the next higher rupee.

The commutation factor is taken from the Commutation Table as relevant to the age next birthday. The age next birthday will be determined with respect to (i) the date of superannuation in cases where commutation is required along with PPO, (ii) the date of receipt of application in other cases where medical examination is not necessary, and (iii) the date of medical examination when it is necessary.

**Commutation Table**

<b>Age next birthday</b>	<b>Commutation value expressed as number of year's purchase</b>	<b>Age next birthday</b>	<b>Commutation value expressed as number of year's purchase</b>
17 to 39	Not Printed		
40	15.87	53	12.35
41	15.64	54	12.05
42	15.40	55	11.73
43	15.15	56	11.42
44	14.90	57	11.10
45	14.64	58	10.78
46	14.37	59	10.46
47	14.10	60	10.13
48	13.82	61	9.81
49	13.54	62	9.48
50	13.25	63	9.15
51	12.95	64	8.82
52	12.66	65	8.50

*-Rule 8 & GID (1) Appendix 1.*

**10. Payment of Commutation amount will be made by** head of Office who disbursed the last pay, when the official retiring after superannuation applies for commutation on or before date of retirement and by the pension disbursing authority on the order issued by the Accounts Officer, in other cases: Rule 15.

**11. Reduction of pension on commutation:-** The reduction in the amount of pension on commutation will become operative from the date of receipt of the commuted value by the pensioner or at the end of three months after issue of authority for payment, whichever is earlier. If the pension is drawn through Bank, the reduction in pension becomes operative from the date of credit of the amount in the Bank Account.

To persons who retire on superannuation and apply for commutation on or before the date of retirement, the commuted value becomes payable on the day following the date of retirement and reduction in pension becomes operative from the same date. Where, however, payment of the commuted value is not made within the first month after retirement, the difference of pension for the period between the day following the date of retirement and the date preceding the date of which the commuted value is deemed to have been paid in terms of Rule 49 of the Central Government Accounts (Receipts and Payments) Rules, 1983, shall be authorized by the Accounts Officer:- *Rule 6, Appendix 1.*

**12. Payment of difference in commuted amount on revision of pension:-** When pension revised upward retrospectively, payment of commuted value of the quantum of increase in pension may be authorised without further application from the pensioner. Further reduction in pension will become operative from the date of receipt of difference amount by the pensioner or at the end of three months after issue of authority for payment, whichever earlier. However, in the case of commutation after medical examination, if the fraction of original pension commuted is less than Rs. 100; and the fraction based on the revised pension is more than Rs. 100, the commutation beyond Rs. 100 shall be present as fresh commutation and allowed subject to examination by a medical Board:- *Rules 10 & 31, Appendix 1.*

**13. Nomination:-** In the prescribed form should accompany application for commutation conferring on one or more persons the right to receive the commuted value in the event of applicant's death before receiving it:- *Rule 7, Appendix 1.*

**14. Effect of commutation on quantum of family pension:-** Nil. Family pension cannot be commuted.

**15. Restoration of commuted portion:-** Pensioners are entitled to have the commuted portion of pension restored on the expiry of 15 years from the date of retirement, if the commutation amount is received in the first month of retirement; in other cases, the commuted portion of pension will be restored after fifteen years from the date of receipt of commutation amount. For this purpose, pensioner should apply to the Pension Disbursing Authority: - GID (3), *Rule 10, Appendix 1.*

## **11. Family Pension**

The family pension is payable to the family of an employee pensioners on his death in service/after retirement on monthly basis. Family here means the deceased person's spouse, son (s) and unmarried daughter(s) below the age of 25 years or upto the date of his / her marriage / remarriage, whichever is earlier. Parents who were wholly dependent on the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child.

1. **Normal rate of family pension:-** The monthly family pension is based on the 'pay' drawn on the date of death or on the date of retirement, as the case may be, and is admissible at a uniform rate of 30% of pay last drawn subject to a minimum of Rs. (now Rs. 1913 p.m.)

-Rule 54 (2)

'Pay' includes basic pay, NPA and SI+DP.

**Rounding off:-** The monthly rate of family pension is expressed in whole rupees, fraction of a rupee being rounded off to the next higher rupee. Rounding off of fraction in respect of higher rate of pension should be done at the final stage:- *Rule 54 (2-A) and AGD (2).*

2. **Higher rate of family pension:-** A higher rate of family pension is admissible, if the deceased employee/ pensioner had rendered not less than seven years' continuous service. It is payable from the date following the date of death, while in service or after retirement, for a period of seven years or for a period up to the date on which he would have attained 66 years had he survived, whichever is less. The higher rate is not admissible to the dependent parents and they are eligible only for the normal rate.

The rates are –

(a) **In the case of death in service:**

Twice the amount of normal rate of family pension (one and a half-time the normal rate of family pension, if compensation under WC Act is also paid);

or

Fifty percent of the 'Pay' +DP last drawn, whichever is less.

**(b) In the case of death after retirement:**

Twice the amount of normal rate of family pension; or Fifty percent of 'Pay'+DP drawn at the time of retirement; or

The amount of pension authorised on retirement whichever is the least.

-Rule 54(3)

3. **To whom payable:-** Except in case where the deceased is survived by more than one widow or one widow and children through another wife already expired or twin children, the family pension is payable to only one member of the family at a time. It is first payable to the surviving widow/ widower till her/his death or re-marriage whichever is earlier, and thereafter to eligible children one by one in the order of their birth, irrespective of their sex. – Rule 54 (6) & (8).
4. **Payment to more than one widow:-** when there are more than one widow, the family pension will be divided and allowed in equal shares. On the death of a widow, her share becomes payable to her eligible child, her share of pension will be payable to the other widow in full.

When the deceased is survived by a widow and also an eligible child from a deceased/ divorced wife, the child will be paid the share of the family pension which its mother would have received had she been alive/not divorced:- Rule 54 (7).

**In the case of Twins:-** The family pension will be paid in equal shares irrespective of their sex. If one child ceases to be eligible his/her share will be paid to the other child. When both of them cease to be eligible, it will be paid to the next eligible child: -Rule 54(7).

**5. Period for which payable to –**

- |   |   |   |
|---|---|---|
| (a) Widow or Widower  | → | Till date of death or re-marriage whichever is earlier. Pension is admissible for the day of death also.                    |
| (b) Son (s)   | → | Till date of attaining the age of 25 years or starts earning his livelihood, whichever is earlier.                          |
| (c) Unmarried daughter(s)   | → | Till date of marriage or the date of attaining the age of 25 years or starts earning her livelihood, whichever is earliest. |
| (d) Son(s) suffering from Disorder or disability of mind or physically crippled or disabled | → | For life or till he starts earning his livelihood.  |
| (e) Daughter (s) suffering from Disorder/disability of Mind/ physically Crippled/disabled   | → | For life or till she starts earning her livelihood or gets married.   |
| (f) Dependent Parents   | → | Till the date of death.   |

In cases covered by clauses (b) to (e) above, the family pension will be paid through guardian, but when the son/ daughter attains majority, the same will be paid to him/her directly:- *Rule 54 (10)*

**6. Judicial separation** of husband and wife does not entail forfeiture of claim to family pension, except when it is on the ground of adultery of which the surviving spouse was held guilty. Judicially separated husband/wife is entitled to family pension only if there is no child. If there is a child, the family pension will be payable to the surviving wife/husband provided he/she is the guardian of the child. Otherwise it will be payable to the actual guardian of the child:- *Rule 54 (11-A) & (11-B)*.

(a) **When both husband and wife are Government servants** and one of them dies in service/after retirement, family pension is payable to the surviving spouse. Thus a Government servant /pensioner can draw family pension in addition to salary/pension.

- 7. When the Government servant dies while under suspension**, the period of suspension will be treated as duty for all purposes including payment of pay and allowances. The family pension is payable to the eligible member of the family as if it is a case of death while in service:- *FR 54-B*
- 8. Family pension payable to a military pensioner re-employed in Civil post** before attaining the age of superannuation is regulated as under –
- (a) On confirmation in the re-employed civil post, he may exercise an option to receive Family Pension, 1964, or family pension admissible under the rules for the Defence Department.
- (b) If he dies while on re-employment in a temporary capacity- his family will be allowed an option to draw the Family Pension, 1964, or the family pension already authorised by the Defence Department.
- (c) If he retires from re-employed civil post without holding any post in a permanent capacity and dies subsequently, his family is eligible to draw the family pension admissible under the Rules of the Defence Department:- *Rule 54 (13-A)*
- 9. Family pension stands suspended:** - When the first eligible member of the family stands charged with the offence of concerned employee's / Pensioner's murder or of abetting in the crime, till conclusion of the criminal proceeding instituted against him. The claim of other eligible family member(s) will also remain suspended. If on the conclusion of the criminal proceedings; the first eligible person is acquitted, the family pension will be granted to him; otherwise he will be debarred from receiving the family pension and it will be paid to the next eligible family member(s). – *Rule 54 (11-C)*.
- 10. Family pension can be paid when the whereabouts of the employee/ pensioner are not known:-**
1. When an employee disappears and his whereabouts are not known, his family can be paid family pension at normal/enhanced rates, as applicable in individual case, after one year from the date of filing complaint with Police about missing. Family pension is granted from the date the FIR is lodged with the Police.
  2. Cases in which officials disappear after committing frauds, etc., the family pension is to be sanctioned only on the Government servant's being acquitted by the Court or after the conclusion of the disciplinary proceedings.

3. The cases of missing pensioners are also to be settled similarly.

*-Rule GID (12) below Rule 54.*

**11. Family pension to the families of central Government Employees absorbed permanently in Autonomous Bodies and Public Sector Undertakings:-** The families of the employees are eligible for family pension under Rules 54 and 55 of the CCS(Pension)Rules, 1972, subject to certain conditions.

**12. Dearness Relief to family Pensioners:-** Dearness Relief is granted to family pensioners to compensate for the increase in cost of living beyond the average CPI 608. For rates of Dearness Relief, please *see* Subject No. 17.

## **12. Encashment of Leave.**

**Encashment of Earned Leave:-** The authority competent to sanction leave should automatically grant lump sum cash equivalent of leave salary admissible for the number of days of earned leave at the credit of the employee on the last day of his service subject to a maximum of 240 days-

1. On retirement after attaining the age of superannuation;
2. When the service is extended in public interest beyond superannuation, after extension;
3. When an employee retires on superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, the whole or part of cash equivalent of leave salary may be withheld to meet recoveries from him possibly arising on conclusion of the proceedings. On conclusion of the proceedings, payment may be released after adjustment of Government dues , if any;
4. On termination of service by notice/payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment;
5. On termination of service of officials re-employed after retirement. In this case, the maximum of 240 days will include the period for which encashment of leave was allowed at the time of previous retirement;
6. When an employee is invalided from service on medical grounds;
7. When an employee resigns or quits service on his own accord, the lump sum cash payment will be only to the extent of half of the earned leave at his credit on the date of cessation from service;

8. On premature retirement under FR 56(j) or (f) or Rule 48 of CCS(Pension) Rules;
9. On voluntary retirement under FR 56 (k) or (m) or Rule 48 or 48-A of CCS (Pension)Rules;
10. On compulsory retirement as a measure of penalty when no reduction in pension is ordered.

**Benefit of increment falling due during leave:-** If a Government servant dies while on any kind of leave for which leave salary is payable the difference between the amount of cash equivalent based on the actual pay drawn immediately before proceeding on leave and the cash equivalent which would have been admissible if the benefit of the increment falling due during currency of that leave period was allowed from its due date will be paid as ex gratia payment to be sanctioned by he Head of Department:- GID (3), Rule 39 –C.

**Amount payable:** The lump sum will consist of (i) leave salary and (ii) DA appropriate to the leave salary. The special allowance granted to supervisory staff in Post and Telecommunication Departments will also be included. It will not include HRA/CCA.

**Method of calculation:** - The cash equivalent of leave salary shall be calculated as follows:-

A) **After Retirement**

(a) ***For Earned Leave-***

$\frac{\text{Pay + DA admissible on the date of cessation of service}}{30}$	x	No. of days of unutilized earned leave at credit subject to a maximum of 300 days.
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(b) ***For Half-Pay Leave-***

$\frac{\text{Half –pay leave salary + DA admissible minus (Pension, PERG and relief on Pension)}}{30}$	x	No. of days of half-pay leave due on the date of retirement / quitting the service subject to the limits prescribed.
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30

B) **Death while in service**

(c) For EL- same as (a) above

(d) For HPL-

HPL salary +DA admissible  
 minus (Family pension at  
 normal rate, PERG and relief x No of days of HPL due on the  
 on family pension date of death.

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30

$$(e) \text{ P.E.G.} = \frac{\text{Gratuity}}{\text{Commutation factor} \times 12}$$

**13. Liberalised pensionary awards in case of death/  
 disablement as a result of attack by extremists, etc.**

**GOVERNMENT OF MANIPUR  
 FINANCE DEPARTMENT  
 (PAY IMPLEMENT CELL)**

**NOTIFICATION  
 Imphal, the 21<sup>st</sup> September, 2000.**

**No. 10/2/82-FD(Pension):** In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Manipur is pleased to make the following Rules, namely:-

**THE MANIPUR SERVICES (LIBERALISED PENSION) RULES, 2000.**

**Short title and Commencement.**

1. These Rules may be called the Manipur Services (liberalized Pension) Rules, 2000.
2. They shall be deemed to have come into force from the 1<sup>st</sup> day of January, 2000.

**Applicability**

3.
  - (i) These Rules shall apply to the following categories of Government servants:
    - (a) Employees of the Government of Manipur appointed to Civil Service and posts in connection with the affairs of State which are borne on pensionable establishments.

- (b) Member of the All India Services serving under the Government of Manipur whether on deputation or as members of the Joint Cadre of Manipur – Tripura in such service subject to approval of each case by the Union Public Service Commission.
- (c) Any employee falling under any of the categories mentioned hereinbefore serving on deputation to an Autonomous / Statutory Body or Public Undertaking or Local Authority located within the State of Manipur on the orders of the Government of Manipur.
- (d) Work charged employees serving under such Departments of the Government of Manipur as are competent to engage this category of employees.

Provided that the members of the family of the deceased Government servant who are in receipt of pension under the Manipur Service (Liberalised Pension) Rules, 2000 shall not be eligible for appointment under Die-in-harness Scheme.

Provided also that those pensioners who are in receipt of Special Pension along with the facilities of Die- in – Harness scheme before introduction these rules may come over to the Liberalised Pension Rules, 2000.

- (ii) The Government may, by order, in the official gazette, bring any class of employees not specifically or by necessary implication included in sub-rule (i) within the purview of these Rules.

**Scope:-**

4.

- (i) These Rules shall apply to Government servant killed by extremists, anti- social elements, etc., or during action against dacoits, smugglers, hostiles, etc.
- (ii) The benefits under these Rules will be restricted only to those cases where the cause of death was within the ambit of the above scope. The following illustrations are mentioned for guidance of sanctioning authorities to determine whether the benefits under the Rules are attracted or not. In case of any doubt, the cases shall be referred to the Finance Department.

***Illustration-I***

Officers of Excise/ Police proceed to carry out raid. If on the way, any member of the team meets with an accident while traveling in a public/private/ official vehicle or otherwise, the family shall not be allowed the benefits of these Rules as the death in such a case is not due to any actual operation. However, if any officer/member of the raiding party gets killed as a result of attack by member of the opposite party, family of such a civil servant shall be entitled to the benefits of these Rules.

***Illustration –II***

A team of Police /Armed Police members is deployed on duty during agitation. The agitation does not turn violent but the civil servant dies because of, say heart failure, and not due to any attack by the crowd. The widow/widower of such a civil servant shall not be entitled to the benefits of these Rules. However, where a team of civil servants including Police Personnel are deployed to contain an agitation by extremists etc., and death of any civil servant takes place as a result of violence during such an agitation, the widow/widower of the deceased shall be entitled to the benefits under these Rules.

***Illustration-III***

Any anti-social element/extremist, etc., deliberately kills any civil servant with a view to spread terror. The widow /widower of such a deceased civil servant shall be allowed the benefits of these Rules.

- (iii) If a Government servant having sustained any injury is invalided out of service with a disability pension under these Rules but dies subsequently as a result of the same injury, he /she will be deemed to have been killed in action and the awards under these Rules will be admissible to the family from the date following the date of his/her death.

***Benefit to the family in the event of the Death of the Government Servant.***

5.

- (i) If the Government Servant is survived by the widow/widower, he /she will be entitled to the family pension equal to the pay last drawn by the deceased Government servant. The said family pension shall be admissible to her/ him for life or until her remarriage in the case of widow.

(ii) 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:-

<b>Basic Pay of Government servant on the date of Death.</b>	<b>Monthly Family Pension</b>
(i) Not exceeding Rs. 4500/-	50% of the Basic Pay.
(ii) Exceeding Rs. 4500/- but not exceeding Rs. 7800/-	40% of the Basic Pay subject to a maximum of Rs. 2500/-
(iii) Exceeding Rs. 7800/-	30% of the basic pay subject to a minimum of Rs. 3600/- and maximum of Rs. 6500/-

The above family pension shall be payable to the children for a period during which they would have been eligible for family pension under the Manipur Services (Pension) Rules, 1977. The family pension shall be paid to the senior-most eligible child at a time on the lines on which family pension is regulated under the Manipur Service (Pension) Rules, 1977.

(iii) Where the Government servant dies as a bachelor or as a widower without children, dependant pension will be admissible to parents without reference to the pecuniary circumstances at 75% of the pay last drawn by the deceased Government servant for both parents and 56.25% of the pay last drawn by the deceased Government servant for a single parent. On the death of one parent, dependent pension at the latter rate will be admissible to the surviving parent.

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

**Benefit under these Orders not to affect normal entitlement to Death/Retirement Gratuity, etc.**

6. Grant of family pension under Rule 5 of these Rules does not in any way affect normal entitlement to death gratuity under the Manipur Service (Pension) Rules, 1977 or the employer's contribution to the Contributory Provident Fund in the case of persons governed by CPF Scheme or the benefit under the Manipur Government Employees' Group Insurance Scheme.

**Definition of expression 'Pay'.**

7. The term 'Pay' referred to in these Rules means the Basic Pay in the revised scales of pay promulgated under Manipur Service (Revised Pay) Rules, 1999 as defined in FR-9(21)(a)(i) and also includes Non-Practicing Allowance granted to Medical Officers and Veterinary Doctors in lieu of private practice. In the case of Government servants who continue to draw pay in the pre-revised scales in force prior to 1/1/1996 in term 'Pay' will include Basic Pay in the pre-revised scales of pay plus Dearness Allowance, up to the average CPI 1510 and the two installments of Interim Relief appropriate to the Basic Pay.

***Note :- The stagnation increment (s) granted to State Government servants shall be treated as pay for all purposes. This will have the effect that stagnation increment will be taken into account for all purposes like DA, CCA, HRA and retirement benefits.***

**Procedure for Grant of Awards and Residuary Provisions.**

- 8.
- (i) The report of the District Magistrate concerned to the effect that the death of the deceased Government servant was caused as a result of attack by extremists., anti – social elements, etc., or during action against dacoits, smugglers, hostiles etc., shall be the conclusive proof in this behalf. The report shall be in the Form MS (LP)-I.
  - (ii) On receipt of the report of the District Magistrate, the Head of Office shall cause an application to be made in Form MS (LP)-II by the claimant and shall forward the same along with the said report through the usual channels to the Government.

**Coming over of the pensioners who are in receipt of Special Pension to the terms of these**

**Rules:-**

9. For those who are already in receipt of pension under the Manipur Service (Special Pension) Rules, 1983, and who opt to come over to these rules, the element of pay already taken for the purpose of calculation of the Special Pension shall now be taken as Family Pension under the provisions of these Rules. The element of such Family Pension shall be revised notionally from 1/1/1986 and from 1/1/1996, as the case may be, as a matter of revision of amount of pension under the orders issued from time to

time and the same shall be at the level of the Family Pension sanctioned after issue of these Rules. In such cases the elements of Dearness Allowance and Special Compensatory Allowance which were components of the Special Pension shall not be counted for the purpose of pensions under these Rules.

10. **Dearness relief on Pension / Family Pension:-** Relief against price rise may be granted to the Family Pensioners in the form of Dearness Relief at such rates and subject to such conditions as the State Government may specify from time to time.
11. Those cases where special pension under the provisions of the Manipur Services (Special Pension) Rules, 1983, were not considered as being inadmissible under the provisions of the said Rule may be reconsidered for grant of Family Pension in case it is found admissible under the provisions of these Rules; provided that cases that occurred prior to the introduction of Manipur Services (Special Pension) Rules, 1983 shall not be entertained.
12. Where the Governor is satisfied that the operation of any of these Rules causes undue hardship in any particular case or class of cases, he may, by order in the official gazette, dispense with or relax the application of that Rule to such extent and subject to such condition as he may consider necessary.
13. **Interpretation:-** Where any doubt arises as to the interpretation of the provisions of these Rules, it shall be referred to the PIC in the Finance Department.
14. The Administrative Department shall issue the sanction order for grant Family Pension under the provisions of Manipur Service (Liberalized Pension) Rules with the concurrence of P.I.C. in the Finance Department.

### **14. Dearness Relief to Pensioners:**

1. Consequent on the acceptance of the recommendation of the Fourth Pay Commission, the Dearness Relief with effect from 1-1-86 is granted to all pensioners/family pensioners to compensate for the increase in cost of living beyond the average CPI 608. This will be sanctioned twice in a year, from 1<sup>st</sup> January and 1<sup>st</sup> July, based on the increase in price rise beyond the average CPI 608, as on the preceding 31<sup>st</sup> December or 30<sup>th</sup> June, as the case may be.
2. 'Pension/family pension' in the case of pre-1-1-86 retirees and where family pension was sanctioned prior to 1-1-86, means the consolidated pension/family pension effective from 1-1-86 and for other it shall mean 'basic pension/family pension/'. 'Personal Pension' granted in certain cases will be excluded for the grant of Dearness relief.

3. Dearness relief is admissible on original pension before commutation.
4. Fraction of a rupee of Dearness Relief shall be rounded off to the next higher rupee.
5. Dearness relief will be suspended if the pensioner/family pensioner is employed under Central /State Government or re-employed /employed /permanently absorbed in the Central or State Government Company , Corporation , Undertaking or Autonomous Body or in RBI or in a Public Sector Bank or in GIC /LIC ,etc. It will be revived after the spell of such re-employment /employment.
6. For pensioners/family pensioners in receipt of more than one pension, the dearness relief where admissible will be calculated on the total of all pensions taken together.
7. Rate of dearness relief effective from 1-1-9-1992-

Pension /family Pension	Rate of Dearness Relief per per month month
(i) (Up to Rs. 1750	71 percent
(ii) Rs.1752 to Rs 3000	53 percent, subject to a of Rs 1234 minimum
(iii)Rs.3001 and above	46%, subject to a minimum of Rs, 1590.

### **15. Entitlements of temporary employees.**

1. **On termination of service:-** When the service of a temporary employee is terminated by the appointing authority under Rule 5 of CCS (Temporary Service) Rules, the employee is entitled to have one month's notice from the Government or pay and allowances in lieu thereof. However, the option of giving a month's pay in lieu of notice is not available for the employee. Similarly there is no rule to demand from the employee pay and allowances in lieu of notice period or for the period by which notice falls short of a month.
2. **Terminal / Retirement benefits admissible:-**
  - (i) In the case of superannuation/invalidation after completing not less than 10 years service or on voluntary retirement after completing 20 years service, pension and gratuity are admissible as for permanent employees under CCS (Pension) Rules, 1972. Family pension is admissible to the members of the family on death after retirement:- Rule 10 (1-B).
  - (ii) In the case of superannuation , invalidation before completing 10 years service or when discharged / terminated from service/retired from service

compulsorily as a measure of penalty; the temporary employee is eligible for the grant of Terminal Gratuity at the following rates:-

Length of Service		Terminal Gratuity
Below 5 years	----	Nil.
5 years and above but less than 10 years	----	½ a month's pay for each than 10 completed year of service.
10 years and above	----	1 month's pay for each completed year of service subject to a maximum of Rs. 15,000 or 15 months' pay, whichever is less

NOTE 1. The gratuity is to be calculated on the basis of basic pay, stagnation increments and NPA, if any, which the Government servant was receiving immediately before his retirement.

NOTE 2. The amount of terminal gratuity payable shall not be less than the amount which the employee would have got as a matching Government contribution to the Provident Fund if he were a member of Contributory Provident Fund Scheme from the date of his continuous temporary service, subject to the condition that the matching contribution shall not in any case exceed 8 ½ % of his pay.

NOTE 3. The terminal gratuity payable to an employee retired compulsorily as a measure of penalty shall not be less than two –thirds the rate specified for corresponding continuous service limit. Rule 10.

**3. Terminal Gratuity not admissible:-** To an employee who –

(i) resigns his post or is dismissed / removed from service as a disciplinary measure;

(ii) has been re-employed after retirement on superannuation /retiring pension.

**4.On death while in service:-** His family shall be eligible for death gratuity and family pension as for a permanent employee under CCS (Pension) Rules, 1972: *Rule 10 (1-B)*.

**5.On transfer /absorption in PSU/AB:-** in the case of Resignation from service on appointment, with prior permission, under a Corporation or Company wholly or

substantially owned or controlled by the Government or under a Body controlled or financed by Government, the temporary employees are eligible for payment of Terminal Gratuity at the rate prescribed in Para. 3 (ii) above in respect of the service rendered by him under the Government: - *Proviso 1 below Rule 10 (3)*.

In the case of absorption in a Central Autonomous Body, with the permission of the parent department, a temporary employee is entitled to an option to count the Government service for pension under the autonomous body if it has a pension scheme, instead of drawing the terminal gratuity: **Proviso 2 below Rule 10 (3)**

**6. Encashment of leave:-** Temporary employees whose services are terminated by notice/pay in lieu or otherwise under the terms and conditions of his appointment, will be granted cash equivalent of earned leave at credit on the date he ceases to be in service subject to a maximum of 240 days.

If, however, he resigns or quits service, the cash equivalent will be restricted to half of earned leave at his credit subject to a maximum of 120 days:- Rule 39 (6), *CCS (Leave) Rules*.

**7. Benefits of Central Government Employees' Group Insurance Scheme, 1980:** Admissible to temporary Government servants and their families also.

## **16. Retirement benefits to families of missing employees.**

If an employee is missing and his whereabouts are not known, his family can be paid the retirement benefits. For this purpose, the family should have lodged a complaint with the Police Station concerned and obtained a report that the employee has not been traced after all efforts had been made

- 1. Benefits payable in the first instance:-** Salary due, leave encashment due and the amount of GPF.
- 2. After one year:-**
  - (i) Death gratuity limited to the amount of Retirement gratuity;
  - (ii) Family Pension at normal / enhanced rate from the date of FIR and
  - (iii) Accumulation from the Savings Fund under Group Insurance Scheme.
- 3. After death is established or seven year:-**
  - (i) Difference between death gratuity and retirement gratuity and

(ii) Insurance cover admissible under Group Insurance Scheme.

The claimants should produce proper and indisputable proof of death or a Decree of the Court that the employee concerned should be presumed to be dead as laid down in Section 108 of the Indian Evidence Act.

Subscriptions for one year and insurance premium alone for the next six years will be recovered with interest from the amounts payable on account of Savings Fund and insurance Fund respectively under Group Insurance Scheme.

**4. When missing after committing fraud:-** Benefits can be sanctioned only on the employee being acquitted by the Court or after conclusion of disciplinary proceedings.

**Applicable to pensioners:-** Family pension can be sanctioned under the above conditions in the case of missing pensioner also:- *GID (12) Rule 54 – Pension Rules. Paras. 11.4 and 11.5 Group Insurance Scheme.*