

Civil Service Regulations

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CIVIL SERVICE REGULATION
PARTS I, IV and X
(As adopted for application in Uttar Pradesh)
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1998

PREFACE TO THE FIRST EDITION

This is the first time that the Civil Service Regulations as adopted and applicable in Uttar Pradesh are being published. Originally the Regulations had been published by the Government of India in 1889 as a composite code covering all such aspects of the conditions of service of civil government servants as pay, allowances, leave and pension since then, separate rules have taken their place in regard to all other aspects than, pension. Also, the State Government, under the legislative powers subsequently acquired, have adopted and amended in their own way a number of provisions relating even to pensions. The present publication is thus a considerably altered version of the original book, consisting only of provisions relating to pensions as at present applying in this State. All corrections made up to April 30, 1970, have been incorporated.

2. The Regulations having originally been designed for application commonly to services under the Government of India and the local governments, a number of articles, clauses, sub-clauses and phrases used in the Regulations have no actual relevance so far as the services under the State Government are concerned, or have become obsolete by the passage of time. All such obsolete provisions and references have been omitted from print in this publication and indicated either by the entry "Not printed" or merely by blanks as it suited the occasion.

3. Old versions in respect of all provisions amended on or after January 1, 1961, have been reproduced below the foot-line at appropriate places to enable proper appreciation of the character and content of the recent changes, as also to make the old provisions readily available for study should a reference to them be needed in any context.

4. In order to make the publication useful an attempt has also been made to incorporate at appropriate places beneath relevant articles the more important decisions taken by the State government from time to time similarly, certain important decisions taken by the Government of India prior to April 1, 1937, have also been included, as these applied equally to local governments.

5. A brief 'Historical Retrospect' tracing in the evolutionary stages of Pension Rules has been added.

6. It is hoped that this publication will remove a long-felt need. This, along with the U.P. Liberalised Pension Rules Retirement Benefits Rules and Manual of Provident Fund Rules, which

have been printed separately, will, it is further hoped, give to the government servants all provisions about retirement benefits in a convenient form.

7. These regulations would not have seen the light of the day but for the untiring efforts and keen personal interest of Sri S.P. Pande, Special Secretary, who was ably assisted by Sri S.D. Misra, Under Secretary. Both of them deserve a special word of thanks.

8. Any errors or omissions that may be noticed in this publication should be brought to the notice of the Secretary to Government in the Finance Department.

R.K. TRIVEDI,

LUCKNOW : Commissioner and Secretary to Government,

May 1, 1970 Uttar Pradesh,

Finance Department.

HISTORICAL RETROSPECT

THE Civil Service Regulations were first published by the Government of India on May 1, 1889, as a comprehensive code defining the conditions under which salaries, leave, pension and other allowances were to be earned by service in the civil departments and the manner in which they were to be calculated. Prior to that, there were separate Financial Codes on different subjects, of which the Pay and Acting Allowance Code had been first published on August 1, 1871, the Civil Pension Code on January 10, 1872, the Civil Leave Code on March 14, 1872 and the Civil Travelling Allowance Code on April 1, 1883.

2. After the enforcement of the Government of India Act, 1919, the Secretary of State in Council, in pursuance of the powers conferred by section 96-B thereof, framed an independent set of 'Fundamental Rules' in 1922 dealing with matters relating to pay and allowances and leave. The said Fundamental Rules conferred powers on the Governor General in Council and on Local Governments to issue subsidiary rules thereunder, and accordingly certain Subsidiary Rules were also framed. The local government of United Provinces, in exercise of delegated powers, further framed separate T.A. Rules in 1924. By the Government of India Act, 1935, Section 241(2)(b) the Governor was directly empowered with effect from April 1, 1937 the date on which Part III of the Act came into force, to make rules laying down conditions of service of persons serving in connection with the affairs of the Province. The Provincial Governments thereafter ceased to be mere delegates of the Secretary of State in Council. However, the old rules continued to remain in force under section 276 of that Act subject to any rules that may be made by the Governor under section 241. Accordingly the Provincial Government framed their separate Fundamental Rules in 1942. A great mass of provisions in the C.S.R. dealing with these matters was thus rendered inoperative, except in respect of pension and to a limited extent in the case of leave rules which were opted for by the then existing government servants. The provisions of the Civil Service Regulations pertaining to Pension have continued to remain in force with such amendments as have been made from time to time. Only one set of provisions namely, the one regarding extraordinary pensions, was, however, superseded by a separate set of rules.

- | | |
|---------------------------------------|------------------------------------------|
| 1. Fundamental Rules. | 3. The continued application of the |
| 2. Subsidiary rule framed under the | aforesaid provisions of the Civil |
| Fundamental Rules. | Service Regulations has been ensured |
| 3. Pension rules in the Civil Service | by the following successive steps:— |
| Regulations. | I. Finance (A) Department |
| 4. Leave rules in the Civil Service | Notification no. A-2431/X—130, |
| Regulations in the case of | dated May 11, 1929, issued under the |
| Government servants subject to those | authority of rule 4 of the Civil Service |
| rules. | (Governors' Provinces) Delegation |
| | Rules 1926 :— |

"In exercise of the powers conferred by rule 4 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, the Government of the United Provinces are pleased to declare that, with effect from March 9, 1926, to the date of issue of this declaration, the existing rules specified in the margin as modified from time to time will apply to the provincial and subordinate services and officers holding special posts under the Government of United Provinces of Agra and Oudh.

2. After the issue of this declaration and pending the issue of the new rules under the Civil Services (Governors' Provinces) Delegation Rules, 1926, the above rules, as existing on the date of the issue of this declaration with such modifications as may thereafter be made by the Local Government from time to time, will continue to apply to the services and posts mentioned above.

3. If under any of the provisions of the above rules the sanction of the Government of India or the Secretary of State is required, the sanction of the Local Government shall be considered to be adequate.

4. Members of the Provincial and subordinate services and officers holding special posts will subscribe to the General Provident Fund and other special provident funds administered by the Government of India as heretofore."

II. Finance (A) Department Notification no. A-5822/X—303, dated November 14, 1930 issued under the authority of the Civil Services [Classification, Control and Appeal] Rules (1930) :

"In supersession of paragraphs 1 to 3 of Notification no. A-2431/X—130, dated May 11, 1929, and with reference to rule 7 of the Civil Services (Classification, Control and Appeal) Rules (1930) and in exercise of the powers conferred by rules 41, 42 and 44 of the same rules the Government of the United Provinces are pleased to declare that, pending the issue of necessary rules of their own, the Fundamental Rules and the leave and pension rules in the Civil Service Regulations as issued and amended from time to time by the Secretary of State in Council or by the United Provinces Government in exercise of the power conferred on them by rule 4 of the Delegation Rules (1926) and the Subsidiary Rules under the Fundamental Rules, as issued and amended from time to time by the local Government shall, subject to the provisions of rule 9 of the said Classification, Control and Appeal Rules, apply to the members of provincial, subordinate and specialist services under the administrative control of the local Government unless a contrary intention is indicated in any rule or amendment.

2. Any powers vested by the above rule in the Secretary of State in Council, the Secretary of State, the Governor General in Council, or the Government of India shall, subject to the provisions of

rules 12 and 45 of the said Classification, Control and Appeal Rules be exercised, in respect of members of the provincial, subordinate and specialist services by the local Government."

III. Finance (G) Department Notification no. G-698/X—534(44), dated July 16, 1937, issued under the authority of section 241(2)(b) of the Government of India Act, 1935 :

"In exercise of the powers conferred by section 241(2)(b) of the Government of India Act, 1935, the Governor of the United Provinces is pleased to declare that any amendment made by the Secretary of State to the Fundamental Rules and the leave and pension rules in the Civil Service Regulations, which were in force immediately before commencement the Part of the III of the said Act, in accordance with the declaration made in Notification no. A-5822/X—303, dated November 14, 1930, and which continue to remain in force under section 276 of the said Act, shall, subject to the provisions of sub-section 3 (a) of section 241 of the Act, be deemed to have been made by the Governor under sub-section (2) (b) of that section, until other provision is made under the appropriate provisions of the Act.

IV. Further continuity from January 26, 1950, onwards has been provided for by Article 313 of the Constitution of India.

प्रस्तावना

वित्तीय नियमों से सम्बन्धित एक महत्वपूर्ण पुस्तक "सिविल सर्विस रेगुलेशन्स" का प्रथम संस्करण वर्ष 1970 में प्रकाशित किया गया। इसके बाद वित्त विभाग द्वारा समय-समय पर इसके अनेक नियमों में संशोधन जारी किये जाते रहे किन्तु इस संस्करण को अद्यावधिक पुनरीक्षित करके पुनः प्रकाशित नहीं कराया जा सका। शासकीय सेवा एवं पेंशन सम्बन्धी विशिष्ट प्रकरणों के नियमानुसार निस्तारण के सम्बन्ध में इस पुस्तक की काफी उपयोगिता रही है किन्तु काफी समय से इसकी प्रतियाँ उपलब्ध नहीं हैं। अतः शीघ्रातिशीघ्र इसकी प्रतियाँ उपलब्ध कराने के विकल्प स्वरूप इसके प्रथम संस्करण को यथा-संशोधित करके फिलहाल अंग्रेजी में ही पुनर्मुद्रित कराने का विचार कार्यहित में उपयुक्त पाया गया।

इस पुस्तक के प्रथम संस्करण (1970) के उपरान्त वित्त विभाग द्वारा अब तक समय-समय पर जारी किये गये समस्त संशोधन का सुसंगत नियमों में समावेश करके पुस्तक को अद्यावधिक संशोधित कर दिया गया है। प्रदेश के सरकारी कार्यालयों एवं अधिकारियों के प्रयोगार्थ मैनुअलों, हैण्डबुकों, नियमों एवं आदेशों के संकलनों आदि का प्रकाशन एवं वितरण कार्य भाषा विभाग द्वारा पहले से ही काराया जा रहा है। उक्त क्रम में इस महत्वपूर्ण पुस्तक को भी अद्यावधिक संशोधित एवं प्रकाशित करने का कार्य भाषा विभाग द्वारा सम्पन्न किया गया है।

CONTENTS

Chapter I—General Scope

Extent of Application

1. (a) These regulations are intended to define the conditions under which pension is earned by service in the Civil Departments, and in what manner it is related.

(b) Not Printed.

(c) Not printed.

2. Not Printed.

3. Not Printed.

Right of Changing or Interpreting Rules

4. The State Government reserve to themselves the right of changing the rule in these Regulations regarding..... pension from time to time at their discretion, and of interpreting their meaning in case of dispute.

An officer's claim to pension is regulated by the rules in force at the time at when the officer resigns or is discharged from the service of Government.

NOTE— 1. Not printed.

NOTE— 2. Extracts from a despatch from the Secretary of State and Resolution by the Government of India relating to the rights reserved by Government in this Article:

Despatch from Secretary of State, No. 10, dated 7th October, 1880 :—

"You remark that you are unable to admit any obligations on the part of the Government of India to compensate those officers for the indirect and remote effects of any administrative measures which it has been considered necessary to adopt in the interests of the State generally, and that it would be extremely inconvenient, if not wholly impracticable, in carrying out every change to consider every possible effect, however remote, which such change might have on the prospects of every officer in the service.

I concur in the sentiment expressed by your Government in this matter. All administrative reforms would be rendered impossible if the Government were fettered by considerations such as those above referred to."

Resolution No. 4863, dated 4th December, 1891.

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change or rule found necessary has been either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under the operation of the old or of the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the State Governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantially suffered from the introduction of a rule not in force at the time he entered the service. If, after comparing the advantages secured to the officer by the altered

rules with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."

4—A. An officer transferred to a Service or post to which the pension rules in these Regulations apply, from a service or post to which they do not apply, becomes subject to the pension rules in these Regulations, provided that it shall be open to him, within six months of the date of transfer or, if he is on leave on that date within six months of his return from leave, to elect to be governed by the pension rules to which he was subject immediately before the date of transfer. The intention of exercising this option must be specifically declared to the State Government. The option once exercised shall be final.

Audit Instructions

This Article should also apply to a case of transfer from the Civil Service Regulations pensions rules adopted by the State Government to those applicable to a Secretary of State's officer even though the two sets of rules may be identical and therefore, the change over, so far as the transferred officer is concerned, is only nominal.

CHAPTER II—Definitions

5. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the Regulations in the sense here explained.

6. Not printed.

7. Accountant General includes "Auditor General" and "Comptroller".

8. Active Service includes besides time spent on duty in India.

(i)

(ii)

(iii)

(iv) For purposes of pension, the period of absense from India of an officer deputed or detained out of India on duty.

9. Not printed.

10. Cancelled.

11. Not printed.

12. Not printed.

13. Not printed.

14. Age—When an officer is required to retire on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the officer must retire with effect from and including that day

Decision of the Government of India

"In the case of an officer whose year of birth is known, but not the exact date, the 1st July should be treated as the date of birth. Similarly if only the month and year of birth be known, the 16th of the month is taken as the exact date of birth."

(Government of India, Finance Department No. 7455—P, dated December 24, 1907.)

*15. "Audit Officer" means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the pension sanctioning authority is situated.

16. Not printed.

17. Not printed.

18. Calendar Month—The following examples show how a period stated in calendar months should be calculated :—

Examples—A period of six calendar months

beginning on the—

ends on the—

28th February

27th August.

31st March or 1st April

30th September.

29th August

28th February.

30th August or 1st September

Last day of February

A period of three calendar months beginning on the—

29th November

28th February.

30th November or 1st December

Last day of February

19. Not printed.

20. Not printed.

21. Not printed.

22. Not printed.

23. Not printed.

*23–A. "Death-cum-retirement gratuity" means death-cum-retirement gratuity admissible, as the case may be, under rule 3 of the U.P. Liberalised Pension Rules, 1961 or under rule 5 of the U.P. Retirement Benefits Rules, 1961.

23–AA. Deputation (duty) allowance is an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty when such duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment (See Articles 76–C, 77 and 81).

23–B. Not printed.

23–C. Duty allowance is an allowance given to an officer, in addition to pay or salary, in consideration of ‡(the unhealthiness of the locality in which the work is performed or of) the specially arduous nature of his duties or of increased work or responsibility or for the discharge of duties or of increased work or responsibility or for the discharge of duties which do not properly belong to his office and for which there is no sanctioned appointment.

24. Not printed.

25. Not printed.

26. Not printed.

27. Not printed.

28. General Revenues for the purposes of pension include state Revenues ...

NOTE—Not printed.

29. Not printed.

29–A. Heads of Departments—The term includes the officers mentioned in Statement I of Part IV of Financial Handbook, Volume II.

29–B. Not printed.

30. Not printed.

31. Not printed.

32. Not printed.

33. Local Fund—The expression "Local Fund" denotes—

(1) Revenue administered by bodies which by law or rule having force of law come under the control of Government whether in regard to the proceedings generally, or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular appointments, the enactment of leave, pension or similar rules ;

(2) the revenues of any body which may be specially notified by the State Government.

34. State Government—means the Government of any 'State' as defined in the General Clauses Act, 1897. But for the purpose of these Regulations, the term also includes, in so far as they exercise the powers of a Local Government, the Departments and officers who are shown in Part III of the Appendix referred to as exercising these powers in full or in part.

35. (a) Military Officers—A Military Officer subject to the Civil Leave Rules means a Military Commissioned Officer in permanent Civil employ who is not subject to the British Army Leave Rules.

1. A Military Officer who entered the Indian Army or the Indian Medical Service after the 31st December, 1875, or was subject, previous to his entering Civil employee to the Indian Army Leave Rules (1886), becomes subject to the Civil Leave Rules from the date of first substantive appointment in the Civil Department, or from the date of completion of three years' continuous officiating service in the Civil Department, whichever may be earlier. For the purpose of reckoning the three year's officiating period, the following may be included :

(a) any period of employment of an officer in Foreign Service, if he has been transferred to such service direct from Civil employ ;

(b) any period of privilege leave.

Furlough or leave other than privilege leave does not count towards the three years' period, but it does not operate as a break cancelling past officiating service for the purposes of this rule, unless the officer has to revert to military employ in order to obtain such furlough or leave.

2. A continuous service Royal Engineer Officer becomes subject to the Civil Leave Rules from the date of entry into permanent Civil employ if it is subsequent to the date of his election for continuous Indian Service, or from the date of such election if it is subsequent to the entry into permanent Civil employ. A non-continuous service Royal Engineer Officer becomes subject to the Civil Leave Rules, if he elects these rules, from the date of entry into permanent Civil Employ if it is subsequent to the date on which he completes five years' Indian Service or from the date of completion of five year's Indian Service if it is subsequent to the entry into permanent Civil employ.

* 3. An officer of the Cantonment Department becomes to the Civil Leave Rules from the date of his appointment to the Department.

4. A military Officer in the Army Secretariat of the Government of India, and a Military Officer appointed from Military employment to be Private Secretary to a Lieutenant-Governor, are not in Civil employ.

5. A Military Officer does not come under the Civil Leave Rules by reason of his being transferred to an appointment in the Civil Department of which the tenure is limited to a definite period. Such officers remain subject to the Military Leave Rules, except as regards privilege leave. (See Article 241).

6. When a Military Officer subject to the Civil Rules is temporarily deputed to the Military Department, but retains a lien on his appointment in the Civil Department, the period of his deputation qualifies for leave under the Civil Rules.

7. An officer of the Indian Medical Service who is subject to the Civil Leave Rules becomes subject to the Military Leave Rules on promotion to the rank of Colonel or Surgeon-General.

(b) A 'Military Officer subject to the Military Leave Rules' means a Military Commissioned Officer in Permanent Civil Employ who is subject to the British Army Leave Rules, a Departmental Commissioned Officer, a Commissioned Officer of the Indian Subordinate Medical Department, or a Warrant Officer. Such an officer is not included in the term "an officer" used in the Leave Rules.

NOTE—The term 'Military Commissioned Officer', when used in these Regulations, does not include a Departmental Commissioned Officer, or a Commissioned Officer, or a commissioned Officer of the Indian Subordinate Medical Department, or a Warrant Officer.

(c) The term 'all Military Officers' means both Military Officers subject to the Civil Leave Rules, and Military Officers subject to the Military Leave Rules.

36. Ministerial Officer means an officer, whether gazetted or not, whose duties are not of an administrative or executive character, but who is employed as a member of an office establishment.

Examples—An Accountant, or a Clerk is a Ministerial officer. A Tahsildar, a Police Inspector or Constable, or Teacher in a school is not a Ministerial officer.

37. Not printed

38. Pay and Salary :

(a) "Pay" means "monthly substantive pay". It includes also "overseas allowance" and "technical allowance".

(b) For the purposes of the Leave Rules in Chapter XIII, "Pay" includes also the Subsistence allowance of a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules who has an officiating but not a substantive appointment.

(c) "Salary" means the sum of pay and acting allowance, or charge allowance under Article 94 of Chapter VIII.

1. Personal allowance is treated, for the purposes of calculating leave allowances and pensions, as part of an officer's substantive pay, but not for purposes of travelling allowance, unless it has been granted to protect from loss an officer, the pay of whose appointment has been changed.

2. The allowances of an officer holding conjointly with another office a Professorship or Lecturership in any Government institution, are part of his salary.

3. "Salary" does not include a local allowance, deputation (local) allowance, house-rent, tentage, or travelling allowance, whether daily, monthly or yearly.

4. The charge allowances admissible to Inspectors and Charge Clerks, Indo-European Telegraph Department, are part of their salary.

5. The good-conduct allowance of policement is treated as salary for the purpose of calculating leave allowances, but not pension.

6. Deputation (duty) allowances and duty allowances are treated as salary for the purpose of calculating leave allowances and are included in the term "emoluments" for calculating pensions.

NOTE—These definitions do not necessarily apply to the Statutory Rules under Articles 543, 567, etc.

39. Not printed.

40 (a) The "Pay of an officer" is—in the case of an officer with a substantive appointment the amount which he would receive monthly under any of the following designations, in his substantive appointment :—

Military pay and allowances and Staff Salary.

Indian Army Pay and Staff Salary.

Substantive pay.

Consolidated pay.

(b) In the case of an officer without a substantive appointment,.. is monthly subsistence allowance (if a member of the Indian Civil Service, a Statutory Civil Servant, or a Military officer subject to the Civil Leave Rules) and his Military pay and allowances or Indian Army pay (if a Military officer subject to the Military Leave Rules).

41. Pension—Except when the term "Pension" is used in contradistinction to Gratuity, "Pension" includes Gratuity.

42. Not printed.

43. Not printed.

44. Not printed.

44–A. Cancelled.

44–B. Not printed.

45. Rule of Proportion—Pension or..... are said to be chargeable according to the "Rule of Proportions" when the charge is debitable to several accounts in the proportions in which in the case of pension, the aggregate pay drawn by the officer during the whole of his qualifying service has been paid from them.....

NOTE—1. Duty allowances and deputation (duty) allowances should be included in pay or salary, as the case may be, for the purpose of this rule.

NOTE—2. Not printed.

NOTE— 3. If according to the Rule of Proportions the share of pension..... chargeable to one account does not exceed one rupee, no charge shall be made to this account and the share shall be borne by the account chargeable with the greatest share.

46. Not printed.

46–A. State Government—See Article-34

47–Cancelled

48—Warrant officer A Departmental officer with honorary rank or Warrant Officer includes all Departmental officers with honorary rank and Warrant officers of all Indian Army Departments to whichever Military furlough rules they may be subject. These officers are :—

(a) Departmental officer with honorary rank—

(i) Commissary.

(ii) Deputy Commissary.

(iii) Assistant Commissary.

(iv) Senior Assistant Surgeon.

(b) Warrant Officer—

(i) Conductor.

(ii) Sub-Conductor.

(iii) Assistant Surgeon of the 1st, 2nd, 3rd or 4th class

PART IV—ORDINARY PENSIONS :

PART IV—ORDINARY PENSIONS

CHAPTER XV—General Rules

SECTION I—Extent of Application

348—A. Every pension shall be held to have been granted subject to the conditions contained in Chapter XXI.

*349. The conditions of service of officers of the following classes include special rules for pension which are laid down in the chapters noted against each, viz.:—

(a) to (g) Not printed.

(h) Police Officers drawing less than Rs. 20 a month. (See CHAPTER XX)

(i) to (k) Not printed.

349—A. (1) The rules in Articles 404—A, 465—A, 474—A and 475—A apply to officers appointed substantively to the service or the appointments specified below who—

(a) joined their appointments after 29th August, 1919, or

(b) were in service on 29th August, 1919 but have definitely elected in writing with the permission of Government to come under them.

N. B. —Officers who were appointed in England during the year 1919 should, for the purpose of this Article, be treated as in service on the 29th August, 1919, even if they jointed their appointments after that date.

These rules in the case of officers subject to them replace the rules in Articles 403, 404, 465, 474 (b), 475 and 476 (c).....

The Agricultural Department—Provincial Branch.

The Civil Veterinary Department—officers of and above the rank of Deputy Superintendent.

xx

xx

xx

The Educational Department—Provincial Service.

xx

xx

xx

Inspectors of Factory and Boiler Inspection Departments.

xx xx xx

The Forest Department—Provincial Officers of and above the rank of Assistant Conservator.

xx xx xx

The Provincial Civil Service—Executive and Judicial.

xx xx xx

The Medical Department—Civil Surgeons and Civil Assistant Surgeons, Professors of Medical Colleges and Chemical Examiners.

xx xx xx

The Police Department—Deputy Superintendents.

xx xx xx

The Public Works Department—Officers of the Provincial Engineer Services.

xx xx xx

The Registration Department—Officers of or above the rank of District Registrar.

xx xx xx

The Jail Department—Officers of and above the rank of Superintendent.

xx xx xx

Superintendent, Government Press.

xx xx xx

Deputy Registrar of the Allahabad High Court.

xx xx xx

Assistant Secretaries to the Government of the Uttar Pradesh.

xx xx xx

Agricultural Engineers in pensionable service.

xx xx xx

Deputy Director of Gardens, Uttar Pradesh.

xx xx xx

Any other officer eligible for an additional pension under Article 475–A.

xx xx xx

Under Secretaries to the Government of Uttar Pradesh promoted from the posts of Assistant Secretaries to Government.

Uttar Pradesh Finance and Accounts Service.

Superintending Engineer, Public Health Department, Uttar Pradesh.

Secretary, Legislative Assembly, Uttar Pradesh.

Secretary Legislative council Uttar Pradesh

Following officers who are not members of the All-India or Central Services :

Deputy Secretary to Government.

Chief Inspector of Offices.

Director of Industries.

Deputy Director of Industries

Professor, Thomason Civil Engineering College, Roorkee.

Examiner, Local Fund Accounts.

Second Deputy Registrar, Co-operative Societies.

(2) The State Government may include in the list in clause (1) any gazetted services or appointments the duties of which are so important that they cannot be regarded as subordinate.

NOTE 1. An officer who does not hold substantively one of the appointments mentioned above, but who by rendering officiating service counting as effective service in one of the appointments included in the schedule appended to Article 475-A, becomes eligible for an additional pension, is entitled to the benefits of this article, provided, in the case of officers who were in service on 29th August, 1919, they have definitely elected the rules referred to in the preamble of the article.

NOTE 2. Article 474 A shall not apply to government servants (other than those who were in subordinate service on December 31, 1935 and who may be promoted to a provincial service after that date) appointed on or after January 1, 1936.

NOTE 3. article 475 A shall not apply to Deputy Secretaries to Government other than members of All-India or Central Services, appointed on or after January 1, 1936.

349-B. Not printed.

350. All establishments, whether temporary or permanent, shall be deemed to be pensionable establishments:

Provided that it is open to the State Government to rule that the service in any establishment does not qualify for pension.

(The amendment shall be deemed always to have been substituted.).

1. Service in Dak Bungalow and District Garden Establishments does not qualify.

2. The service of a Patwari, whether appointed before or after the abolition of the Patwari or Village Officers' Cesses and Funds, does not qualify in any case in which it did not qualify prior to that abolition.

3. Service in non-gazetted posts in Government Technical and industrial institutions in the Uttar Pradesh does not qualify in the case of persons appointed to such posts on or after November 16, 1938.

*Exception—This rule does not apply to the posts declared pensionable in Sharm (Kha) Vibhag G. O.). no. 810 (E) XXXVI-B—1069/56, dated May 29, 1963 and Udyog (Gha) Vibhag G. No. No. 375-ED/XVIII-D—AQ-16-ED060, dated June 5, 1963.

351. Future good conduct is an implied condition of every grant of a pension. The State Government reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave mis-conduct.

The decision of the State Government on any question of withholding or withdrawing the whole or any part of pension under this regulation shall be final and conclusive.

NOTE—This rule is applicable to all the officers enumerated in Article 349 except..... Army Veterinary officers of the Civil Veterinary Department.

‡ 351-A The Governor reserves to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery

from a pension of the whole or part of any pecuniary loss caused to Government, if the pensioner is found in departmental or judicial proceedings to have been guilty of grave mis-conduct, or to have caused. Pecuniary loss to government by misconduct or Negligence, during his service, including service rendered on re-employment after retirement;

Provided that—

(a) such departmental proceedings, if not instituted while the officer was on duty either before retirement or during re-employment—

(i) shall not be instituted save with the sanction of the Governor,

(ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings, and

(iii) shall be conducted by such authority and in such place or places as the Governor may direct and in accordance with the procedure applicable to proceedings on which an order of dismissal from service may be made.

(b) judicial proceedings, if not instituted while the officer was on duty either before retirement or during re-employment, shall have been instituted in accordance with sub-clause (ii) of clause (a), and

(c) the Public Service Commission, U.P., shall be consulted before final orders are passed.

Explanation—For the purposes of this article—

(a) departmental proceedings shall be deemed to have been instituted when the charges framed against the pensioner are issued to him, or, if the officer has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to have been instituted :

(i) in the case of criminal proceedings, on the date on which a complaint is made, or a charge-sheet is submitted, to a criminal court; and

(ii) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is made, to a civil court.

NOTE—As soon as proceedings of the nature referred to in this article are instituted the authority which institutes such proceedings shall without delay intimate the fact to the Audit Officer concerned.

* 351-B. In case in which a pension is not withheld or withdrawn under Article 351-A but the amount of any pecuniary loss caused to Government is ordered to be recovered from the pension, the recovery should not ordinarily be made at a rate exceeding one-third of the gross pension originally sanctioned including any amount which may have been commuted.

SECTION II—CASES IN WHICH CLAIMS ARE INADMISSIBLE

352. In the following cases no claim to pension is admitted :—

(a) When an officer 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.

1. This clause applies, among others, to the following officers :— Advocate General, Solicitor to Government, Government Pleaders and Law Officers not debarred from private practice

.....

(d) When a public servant hold 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 Local Allowance.

(e) When an officer serves under a covenant which contains no stipulation regarding pension, unless the State Government specially authorises, an officer to count such service towards pension.

Misconduct or Inefficiency

*353. No pension may be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but to the officer so dismissed or removed compassionate allowance may be granted when he is deserving of special consideration; provided that the allowance granted to any officer shall not exceed two-third of the pension which would have been admissible to him if he had retired on invalid pension.

Decisions of the State Government

1. In cases where compassionate allowances are granted under this article, condonation of deficiencies in service will not be allowed under Article 423.

2. In order to avoid delay in the payment of compassionate allowances pending submission of a formal application therefor the following procedure has been ordered to be adopted :—

(1) On receipt of the orders of the competent authority removing an officer 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 first page of the application for pension in Form 25, or the first and second pages of Form 26 (in Appendices to the Civil Service Regulations), as the case may be, and send it to the Audit Officer concerned for report on the title to pension. The head of the office should not wait for an application in Form 26 signed by the officer.

(2) If the competent authority in issuing orders of removal states that a certain proportion of the invalid pension is to be granted as compassionate allowance no further sanction to pension is necessary, and all that is required is that the Audit Officer should certify to the admissibility of the pension on a pension application completed and signed by the head of the office as provided in (1) above.

[Finance (A) Department, G.E. no. A-548/X—153, dated June 16, 1934].

353–A. Not printed.

354. Deleted.

Limitations

355. (a) An officer cannot earn two pensions in the same office at the same time, or by the same continuous service.

(b) Two officers may not simultaneously count service in respect of the same office.

Military Service

356. (a) Service rendered by an employee belonging to one of the classes mentioned in Note 2 below, after attaining the age of 20 years, which is pensionable under military Rules but which terminates before a pension has been earned in respect of it, may, at the discretion of the State Government be allowed to count, when followed by service qualifying for pension under civil

Rules as part of such service, provided that any bonus or gratuity received in lieu of pension on, or since, discharge from military service, shall be refunded in such number of monthly instalments not normally exceeding 36 and beginning from such date, as in each case the State Government may decide. Service so allowed to count shall, however, be restricted to service, within or outside the employee's unit or department, in India or elsewhere, which has been paid for from Indian Revenues or for which a pensionary contribution has been received by Indian revenues.

(b) 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 without the sanction of the State Government.

NOTE. 1—An officer, ex-soldier, ex-sailor or ex-airman will not be brought under the operation of this Article as a matter of course. Each case will be decided on its merits, e.g., there may be cases in which it may be open to a claimant for pension to add military service during the Great War to former non-pensionable service in the Army in order to claim the benefit of a military pension. In such cases it may be to the advantage of the claimant that he should not be brought under the operation of this Article. The bearing of paragraph 574 of the Pay and Allowance Regulations of Army in India. Part II on the position of soldiers of the Indian Army who re-entered during the Great War, deserves consideration in this connection.

NOTE 2—The Article applies to Commissioned officers, junior commissioned officers, warrant officers, non-commissioned officers and other enrolled personnel of the Army, and the corresponding categories of the Navy and Air Force. It also applies to the personnel of the Frontier Constabulary and Militias, non-combatant departmental and regimental employees and followers of the supplemental service and warrant officers and Departmental officers of the Commissary and Assistant Surgeon Classes.

NOTE 3—To be eligible for the concession in this Article, the individual concerned should take his discharge from the Army, Navy or Air Force within 12 months of the date of his confirmation in the appointment pensionable under civil rules. This limit may, in special cases, be relaxed by the Government of India.

NOTE 4—Employees in the Military Police have the option of counting service under any other rules in these Regulations which would give them a similar or more liberal concession.

NOTE 5—Employees who were in service in an appointment pensionable under civil rules on the 22nd February, 1921, are eligible to count service under the Rules which were in force before that date, where these rules are more advantageous to them.

NOTE 6—A person permanently appointed to the Civil Police Force or to a post in the Jail Department of an administration subordinate to State Government who before such appointment has served in the reserve of the Indian Army, may if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military Rules but terminated before he had qualified for pension, be permitted, at the discretion of the Head of the administration, and subject to the provisions contained in this Article, to count for civil pension the whole of his service with colours, if any and half his service in the reserve.

Explanation—For the purposes of this Article service rendered in the Indian/Royal Navy or the Indian/Royal Air Force shall also be deemed to be service which is pensionable under Military rules.

Rule

When the military service of an officer is classified as inferior under the provisions of Article 357, Civil Service Regulations, so much of it as was rendered after attaining the age of 16 years may be allowed to count for the purposes of a Civil pension under the provisions of Article 356, Civil Service Regulations.

Decisions of the State Government

1. All ex-soldiers, whether British or Indian and Indian Commissioned officers, who are employed in the Police and Jail Departments and have served therein for not less than 10 years, or for less than 10 years, if invalid before completing this period, may at the discretion of the head of the department concerned, count for civil pension such period of their military service (including service in the Militia and Frontier constabulary in the North-West Frontier Province) as has been rendered after the age of 20 years, subject to the limitation that the military service so allowed to count shall in no case exceed ten years. These orders apply also to those officers of the military police who do not enjoy a similar or more liberal concession under other Rules in the Civil Service Regulations.

2. Government servants under the rule-making control of the State Government who have rendered satisfactory paid military service in the Great War in addition to military service pensionable under the military rules rendered before or after such War service but who did not earn a pension by their War service in conjunction with other military service have the option of having their war Service, i.e., the period of service rendered between August 4, 1914 and August 31, 1921, dealt with either under Article 356 or under 357-A of the Civil Service Regulations whichever may be more advantageous to them subject to the limitations prescribed in those articles. This concession will apply only in the case of those government servants who have retired or may retire on or after May 28, 1929. If the War service is counted under Article 356, the State Government have decided that the whole of it will count and the maximum benefits permissible under it will be allowed, but if under Article 357-A, only completed years up to a maximum of four years ; and in the latter case the residue of War service cannot then be coated under Article 356.

If the entire military service including war service is dealt with under Article 356, the whole of the gratuity received in lieu of pension (but not that portion given as a reward for War service) will have to be refunded by the officer concerned. If, however, the portion which was War service is dealt with under Article 357-A, and the rest of the military service before or after War under Article 356, the amount of the gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Article 356 bears to the total period of military service including the period of War service.

For the purpose of these orders it is immaterial whether or not there was a break between the War service and other military service.

3. The concession of counting for civil pension previous military service rendered outside India and not paid for from Indian revenues sanctioned by the Secretary of State has been extended by the State Government, with effect from July 30, 1934, to similar British and Indian ex-soldiers who were or are employed in the Police, Medical and Jail departments, i.e., who were already in service in the Police department on June 30, 1917, or in Medical and Jail departments on March 26, 1920, or who joined these departments before February 22, 1921, and who retired or may retire on or after March 9, 1926.

4. With reference to Note—2 below Article 356 civil authorities employing ex-service commissioned officers should address the following authorities regarding the verification of military service in the form given below as Appendix 'A' with suitable modifications to suit their requirements :—

(a) Ex-Army Officers—

(i) Non-Medical — A.G.'s Branch/Org. 3 (R.R.&C)
Officers (d),

Army Headquarters, D.H.Q. New
Delhi-11.

(ii) Medical Officers — M.P.R.S. (O) (NE) Medical
Directo-

rate. Army Headquarters, D.H.Q.,
P.O. New Delhi-11.

(b) Ex-Naval Officers — Personnel Services Directorate
(Naval Appointments), Naval
Head-quarters, D.H.Q., P.O. New
Delhi-11.

(c) Ex-Air Force — Directorate of Personnel (Officers)
Officers (PO2), Air Headquarters D.H.Q.
New Delhi-11.

Requests for verification of military service in respect of JCOs, other Ranks and NCsE, and their equivalents in the Navy and the Air Force should be addressed along with two copies of the Appendix 'A'. (Suitably modified to meet their requirements), as under :

(a) JCOs OR and NCsE of the Indian Army. The respective Record Office as indicated in the Discharge Certificate of the individual concerned. (A list of the existing Record Offices is attached at Appendix 'B')

(b) CPO, Petty Officers and Sailors of the Navy. The Captain, Naval Barracks (Drafting Office), Bombay.

(c) MWOs, WOs, NCOs, and Airmen of the Air Force. Dte. of Personnel (Airmen) Air Headquarter, Vayu Bhawan DHQ, P.O. New Delhi-11.

APPENDIX "A"

Certificate of verification of military service of no..... Rank....., Name....., Unit..... Re-enrolled in the as..... from.....

The information required for verification of war/Military service for the purpose of counting towards civil pension under Articles 356/357 of the Civil Service Regulations and relating Orders is given as under :

1. Date of birth, or the nearest age on enrolment in the Army/Navy/Air Force if the former is not known.
2. Date of enrolment in the Army/Navy/Air Force.
3. Date of discharge
4. Period of reserve service, if any
5. Whether the military service was pensionable under the military rules, but terminated on or before pension was earned in respect thereof ?
6. Whether he was entitled to a service gratuity and if so, how much ?
7. Whether the gratuity was drawn and is refundable to the Defence Services Estimates (if the service is allowed to count for civil pension) ?
8. If the individual is in receipt of a disability pension—
 - (a) had he earned an ordinary service pension for his qualifying service ;
 - (b) had he only earned a service gratuity in lieu of which a service element of disability pension has been granted to him. If so, what was the amount of service gratuity.
9. Whether he was paid from the Indian Revenues throughout?
10. Whether the pensionary contribution has been recovered and credited to Indian Revenues for the period of his service out of India ?

	From	To
--	------	----
11. Whether the whole period of Military Service is covered by any of the clauses mentioned in Note 2 to Articles 356 (a)/357, Civil Service Regulations ?
12. Non-qualifying service, if any

	From	To
--	------	----
13. Period of satisfactory paid Military Service ;

	From	To
--	------	----
14. Whether the Military Service was superior or inferior ?

15. Length of War Service

From To

16. Amount of service Gratuity paid for the period of War Service indicated in the preceding item.

17. Amount of War Gratuity paid for the period of War Service.

18. Period nature of leave (other than casual leave) availed of during military service.

STATION : (Signature of the Record Officer

Dated : concerned).

COUNTERSIGNED

STATION :

Dated : Controller of Defence Accounts/PAO
(ORG).

APPENDIX "B"

List of Record offices maintaining records of JCOs/OR?NCsE and corresponding ranks in the Navy and the Air Force

Officer-in-charge Records.,

Armoured Corps, Ahmednagar.

Artillery Depot and Records, Mathura.

Madras Engineer Group Record Office, Bangalore.

Bengal Engineer Group Record Office, Roorkee.

Bombay Engineer Group Record Office, Kirkee.

Signals Record Office, Jubulpore.

Brigade of the Guards Record Office, Kotah.

Punjab Regiment Record Office, Meerut.

Madras Regiment Record Office, Wellington.

The Grenadiers Record Office, Nasirabad.

Maratha Light Infantry Record Office, Belgaum

Rajputana Rifles Record Office, Delhi Cantt.

Rajput Regiment Record Office, Fatehgarh.

Jat Regiment Record Office, Bareilly.

Sikh Regiment Record Office, Meerut Cantt.

Dogra Regiment Record Office, Meerut Cantt.

Garhwal Rifles Record Office, Lansdowne.

Kumaon Regiment Record Office, Ranikhet.

Assam Regiment Record Office, Shillong.

Sikh Light Infantry Record Office, c/o Punjab and Sikh Light Infantry Regimental Centre, Meerut Cantt.

Bihar Regiment Record Office, Dinapore.

Mahar MG Regiment (Boarders) Record Office, Saugor.

1. Gorkha Rifles Record Office, Sabathu.

3. Gorkha Rifles Record Office, Dehra Dun.

4. Gorkha Rifles Record Office, Sabathu.

5. Gorkha Rifles Record Office, Dehra Dun.

8. Gorkha Rifles Record Office, Dehra Dun.

9. Gorkha Rifles Record Office, Dehra Dun.

11. Gorkha Rifles Record Office, Clement Town.

J & K Regiment Record Office, Morar (Gwalior).

Para Regiment Depot and Record Office, Agra.

ASC (Supply) Record Office, Bangalore.

ASC (MT) Record Office, Aurangabad.

ASC (AT) Record Office, Meerut.

Army Postal Service Corps Record Office, Kamptee.

Army Medical Corps Record Office, Lucknow.

Army Ordinance Corps Record Office, Secunderabad.

EME Record Office, Secunderabad.

Remount Veterinary Corps Record Office, Meerut.

Military Farms Record Office, Meerut.

Intelligence Corps Record Office, Poona.

Corps of Military Police, Faizabad.

Pioneer Corps Depot and Record Office, Naini Tal.

Army Education Corps Record Office, Pachmarhi.

Army Physical Training Corps Record Office, Poona.

Gorkha Recruiting Record Office, Kunraghat

Gorkha Recruiting Record Office, Ghoom.

DSC Record Office, Cannanore.

The Captain, Naval Barracks (Drafting Office), Bombay.

Director of Personnel (Airmen), Air HQ Vayu Bhavan, DHQ, PO, New Delhi-11.

[Finance Department's G.O. no. G-II—771/X—904(1)-1961, dated March 19, 1963.]

Decisions of the Government of India

1. It is permissible under this Article to allow military service interspersed between two periods of civil service to count for civil pension, provided that the conditions laid down in this Article are otherwise fulfilled. The share of pension proportionate to military service in such cases will be borne by the Army Department. Before orders are passed, the military service of the individual concerned and the amount of gratuity paid to him should be verified by reference to the Controller of Military Accounts in each case.

2. When an order is passed under Article 356, Civil Service Regulations, allowing previous military service to count as part of the service qualifying for civil pension it should be taken as carrying with it condonation of breaks, if any, in the military service or the break, if any, between the military service and the civil service.

356-A. A person permanently appointed to the Civil Police Force or to a Post in the Jail Department of Uttar Pradesh who before such appointment has served in the reserve of the Indian Army, may, if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military rules but terminated before he had qualified for pension, be permitted at the discretion of the head of the department concerned, and subject to the provisions contained in Article 356 to count for Civil Pension the whole of his service with the colours, if any, and half his service in the reserve.

357. For the purpose of the foregoing Article, service as private or in any higher combatant rank shall be treated as superior if followed by superior service in an appointment pensionable under civil rules. In other cases, military service shall be treated as superior or inferior according to the character of the appointment in which it was rendered, and with reference to the criteria observed in an appointment pensionable under civil rules. Doubtful cases should be referred to the State Government who enjoy full powers in the matter.

Decision of the Government of India

Except to the limited extent indicated in the opening sentence of this article, the classification of military service which is allowed to count for civil pension depends not on the character of the subsequent civil employment but on the character of the military appointment in which it was rendered. Military service rendered prior to civil employment has thus to be classified as inferior or superior according as to whether it would have been inferior or superior had it been rendered in a similar appointment pensionable under civil rules.

The following principles should be adopted in the classification of military service counting for civil pension as "superior" or "inferior" :

- (a) Service as a sepoy or service in any equivalent or higher combatant rank should be treated as "superior", and as a follower as "inferior" whether such service is followed by "superior" or "inferior" civil service ;
- (b) Service rendered in any other capacity in an appointment under the Defence department should be treated as "superior" or "inferior" according to the classification of any civil post carrying duties of a similar character, and
- (c) Any doubtful cases should be referred to Government of India for orders.

NOTE—All Royal Indian Navy ratings are viewed as combatants and their service as such should therefore be considered as "superior".

357-A. Civil employees other than members of All-India Service (of other services or department governed by special orders), who prior to their civil employment, have rendered satisfactory paid service between August 4, 1914, and August 31, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval, or Air Force Rule, shall be allowed to count such military service, including all kinds of leave on full rates of pay and sick leave taken during such service, for the purpose of civil pension, subject to the observance of the following general principles :

- (1) Completed years of military service shall be allowed to count up to a maximum of four years.
- (2) In the case of services in which a minimum age is fixed for recruitment no military service rendered below that age shall be allowed to count for pension.
- (3) The addition of war service shall not be included in total service under Article 408 for the purpose of counting leave as service for pension, nor allowed in addition to the concession in Article 403 or 404-A, but any government servant who may be entitled to the concessions

admissible under the latter articles and to the concession in this Article will be allowed to select whichever is more favourable.

(4) British and Indian military service shall be allowed to count alike for pension and no contribution towards or share of, a pension earned as a result of this concession shall be claimed from the Home Government.

(5) No refund of military bonus or gratuity shall be demanded from the employee.

NOTE—In the case of services in which no minimum age is fixed for recruitment the rule in the above article should be interpreted as follows :—

(a) war service rendered after the age of 20 should be allowed to count for civil pension on the superior scale, if the war service was superior ;

(b) war service rendered after the age of 16 should be allowed to count for civil pension on the inferior scale, if the war service was inferior ;

(c) war service of the superior category rendered at any age should be allowed to count for compensation gratuity on the superior scale.

Decisions of the State Government

Government servants under the rule-making control of the State Government, who have rendered satisfactory paid military service in the Great War in addition to military service pensionable under the military rules rendered before or after such war service but who did not earn a pension by their war service in conjunction with other military service, have the option of having their war service, i.e., the period of service rendered between August 4, 1914 and August 31, 1921, dealt with either under Article 356 or under 357-A of the Civil Service Regulations whichever may be more advantageous to them, subject to the limitations prescribed in those Articles. This concession will apply only in the case of those government servants who have retired or may retire on or after May 28, 1929. If the war service is counted under Article 356, the State Government have decided that the whole of it will count and the maximum benefits permissible under it will be allowed, but if under Article 357-A, only completed years up to a maximum of 4 years; and in the latter case the residue of war service cannot then be counted under Article 356. If the entire military service including war service is dealt with under Article 356, the whole of the gratuity received in lieu of pension (but not that portion given as reward for war service), will have to be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Article 357-A and the rest of the military service before or after war under Article 356, the amount of the gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Article 356 bears to the total period of military service including the period of war service.

For the purpose of these orders it is immaterial whether or not there was a break between the war service and the other military service.

Decisions of the Government of India

1. The words "civil employment" in Article 357-A, Civil Service Regulations, should be regarded as including "civil re-employment."

2. Two or more periods of war service rendered between August 4, 1914 and August 31, 1921, can be added together and the total period counted towards civil pension without any need for condoning the breaks between those periods.

357-B. Not printed.

357-C. Civil employees who, prior to their appointment in Provincial Services against war reserved vacancies which arose for direct recruitment before January 1, 1948, and for which recruitment is ordinarily made on the results of a competitive examination, had rendered satisfactory paid whole-time, enlisted or commissioned "war service" between the 3rd September, 1939, and the 1st April, 1946, in the Armed Forces of India or similar Forces of a Commonwealth country which did not earn a service pension under the Military, Naval or Air Force Rules shall be allowed to count such "war service" including all kinds of leave on full rates of pay and sick leave taken during such service, for the purpose of civil pension, subject to the following condition :

(1) The date on which a "war service" candidate enters civil service will for the purposes of pensionary rights, be deemed to be the corresponding date in the year to which he has been allocated in accordance with subparagraph (2).

(2) A "war service" candidate will be deemed to have been appointed to the service in the year in which he would have been appointed had he passed the competitive examination at his second possible attempt and will be allotted to that year :

Provided that any service candidate who entered "war service" after he had two opportunities of competing for recruitment by competitive examination shall be allotted to the year in which he would have been appointed had he passed the next examination following the date of his entry into "war service".

NOTE—The year of a candidate's second possible attempt will be determined by the date of his birth in relation to prescribed minimum age limit of the service to which he seeks employment.

(3) In the case of service/posts in which a minimum age is fixed for recruitment no "war service" rendered below that age shall be allowed to count for pension, and in the case of services/posts in which no minimum age is fixed, no portion of "war service" rendered before attaining the age of 20 shall be allowed to count for pension.

(4) The addition of "war service" shall not be included in total service under Article 408 of these regulations for the purpose of counting leave as service for pension.

(5) "war service" rendered in the Armed Forces of India and in similar Forces of a Commonwealth country shall be allowed to count alike for pension; no contribution towards or share of a pension earned as a result of this concession being claimed from the foreign Government concerned.

(6) No refund of bonus or gratuity paid to the employees in respect of such "war service" shall be demanded from the employee.

CHAPTER XVI—Conditions of Qualifying Service

SECTION I—DEFINITION OF QUALIFYING SERVICE

Beginning of service

358. (a) Except for Compensation gratuity, an officer's service does not in the case of Superior and Inferior services qualify till he has completed twenty years of age.

(b) In other cases, unless it be otherwise provided by special rule of contract the service of every officer begins when he takes charge of the office to which he is first appointed.

Note 1—Not printed.

Note 2—Not printed.

359. The following exceptions are admitted to twenty years rule:—

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(3) Sub-assistant Surgeons count service from the date they pass their final examination.

NOTE—Pupils of the Civil Hospital Assistant Class in Medical Colleges who were granted leave under Article 52(c) count service from the date on which the leave begins.

360. Deleted.

Conditions of qualifications

361. The service of an officer does not qualify for pension unless it conforms to the following three conditions:—

First—The service must be under Government.

Second—The employment must be substantive and permanent.

Third—The service must be paid by Government.

These three conditions are fully explained in the following Section.

Decisions of the Government of India

(1) The service of a Treasurer of one or more District Treasuries who does not himself do the work of office in any of the Treasuries, but appoints an agent to do it for him, is not pensionable as no claim to pension is admitted when a person's whole-time is not retained for public service [Article 352 (c) C.S.R.] but is merely paid for work done for the State.

[Government of India, Finance Department no. 3230, dated the 9th July, 1895]

(2) In cases in which a Divisional Treasurer is a firm consisting of several partners, each of whom does the work of one of the Divisional Treasuries each such partner actually performing the work of a Treasurer at a separate treasury is entitled to pension.

[Government of India, Finance Department no. 895-P, dated the 12th February, 1907]

361-A. The Government of India may, however, in the case of service paid from General Revenues even though either or both of conditions (1) and (2) are not fulfilled:—

(1) declare that any specified kind of service rendered in a non-gazetted capacity shall qualify for pension;

(2) in individual cases and subject to such conditions as it may think fit to impose in each case, allow service rendered by an officer to count for pension.

Subject to such conditions as it may think fit to impose, the State Government may delegate its powers under this Article to the Heads of Departments.

NOTE—Not printed.

Decisions of the Government of India

The Local Government can allow the benefit of Article 368 (now Article 361-A, Civil Service Regulations), irrespective of the provisions of Article 381-B, Civil Service Regulations to an officer whose whole service was temporary whether followed by permanent service or not.

[Government of India, Finance Department no. 895-P, dated 12th February, 1907]

Decisions of the State Government

Treatment of temporary service of men who are enlisted as constables in connection with additional police appointed under section 15 of the Police Act, 1861—The Governor in Council is pleased under Article 361-A of the Civil Service Regulation to declare that the temporary

service of men who are enlisted as constables in connection with additional Police appointed under section 15 of the Police Act, 1861, or special temporary reserves and who are subsequently enlisted in the regular police shall count for pension provided the interruptions between temporary service and confirmation in the regular line are condoned under the rules published in government order in notification No. A—5203/10-255 Dated the 10th October 1930 vide G.O. No. 1306/VIII—106, Dated the 8th March, 1932 the term "Special temporary reserves" used in G.O. No. 306—VIII—106 Dated March 6, 1932. does not include the Five Hundred Constables Who were temporarily appointed under G.O. No. 440/VIII-521, dated March 6, 1933, to replace the men deputed to the Hardwar Ardh-Kumbh Mela of 1933. In the case of those 500 constables the Governor in council is pleased, under article 361-A civil service regulations to declare that their temporary service shall count for pension if they are subsequently enlisted in the regular police. [Vide G.O. no. 2149/VIII—106, dated the 27th November 1933]

2. Counting of temporary service of certain constables for pension—(I) The Governor has been pleased under Article 361-A to declare that the temporary service of men who were enlisted as constables during the year 1939-40 and 1941 in connection with various schemes concerned with War expansion and Political activities such as vulnerable point guards, protection of strategic railways. District Intelligence staff expansion. Criminal Investigation Department expansion, etc. and who are subsequently enlisted in the regular Police shall qualify for pension.

[Police Department G.O. no. 1667/VIII—23241, dated the 29th July, 1941]

3. The temporary service of constables enlisted in connection with the Police arrangements for the Allahabad kumbha Fair of 1942 in accordance with the orders issued in G.O. no. 334-P/VIII, dated the 30th June, 1941, who subsequently joined the regular Police Force, shall count for pension.

Any interruption between the temporary service of the constables mentioned above and their confirmation in permanent posts should be condoned under the rules published with Finance Department, notification no. A—5203/X—255, dated the 10th October, 1930.

4. The Governor has been pleased to declare under Article 361-A, C.S.R. that the temporary service of constables enlisted in the year 1942 and subsequent years until the termination of the war in connection with the various schemes connected with the war, and who are subsequently either absorbed or re-enlisted in the regular police shall qualify for pension.

5. Date from which orders relating to pensionary concessions should take effect—Such cases are of two types:—

(i) Those in which the Head of a Department himself requests Government to Grant a Concession under Article 361-A or 422-A, or 423 or 371, C.S.R. and sanctions the pension after the matter has been settled.

(ii) Those in which retired Government servant makes a request for a concession under one of the above mentioned article after he has actually been granted a pension.

The Governor has decided that the question of giving retrospective effect does not arise in cases falling under class: (i) i. e., it will automatically be allowed to him as the pension is sanctioned after the grant of concession. In the cases falling under class (ii) retrospective effect should not be given to orders if a concession is granted. But if benefit of doubt is given because Government have failed to keep the necessary papers to prove whether the Pensioner's contention is right or wrong or the Pensioner is given what was his right but which was not sanctioned in the first

instance for some reasons or other, then the order should be given retrospective effect. In the orders granting a pensionary benefit the date of effect should invariably be mentioned.

[U.P. Finance (M) Department, notification no. M-253/X-612-43, dated the 9th February, 1945]

6. The Governor in Council is pleased to declare under Article 361-A, Civil Service Regulations, that service rendered in the Auxiliary Police Force should count for pension in the case of men who are accepted for transfer to the Regular Police Force. This sanction, so far as pension is concerned should be restricted to cases in which the pension does not exceed Rs. 5 per mensem, vide Note (a) to Article 361-A, Civil Service Regulation.

7. The continuous service in the mobilized Civil Guards shall count for pension in the case of any member who has enlisted or who may hereafter enlist the U.P. Police.

8. The Governor has been pleased to declare, under Article 361-A, Civil Service Regulations that the temporary service of passed cadets of 1944 and subsequent sessions of the Police Training College until the termination of the war rendered in vacancies in connection with war schemes shall qualify for pension.

9. Substantive service in a permanent post qualifies for pension unless the service in a particular permanent post is specifically declared as non-qualifying under Article 350, C.S.R. When a temporary post is made permanent or a permanent post is sanctioned, it is not necessary to state that the post in question would also be pensionable under Article 361 C.S.R.

[P.H. Department G.O. no. 3391/XVI—901-1948 dated the 24th February, 1950]

361-B. Not printed.

Section II—FIRST CONDITION

362. The service of an officer does not qualify unless he is appointed and his dues and pay are regulated by the Government, or under conditions determined by the Government. The following are examples of officers excluded from pension by this Article :

(1) * * * * *

(2) Officers of a Municipality :

(3) Officers of Grant-in-aid Schools and Institutions (e.g., the Asiatic society and Canning College at Lucknow):

(4) Subordinates appointed by treasurers on their own responsibility, e.g., Tahsildars in the Province of Agra.....

363. Not printed.

364. Not printed.

Service paid from contract allowances

365. Service on 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.

Exception—Service of whole-time regular servants paid from contingencies up to March 31, 1947, who were in service on that date, shall qualify from the following date.

"366. An Officer retiring on or after April 1, 1962 shall count his service, including continuous temporary or officiating service on establishment paid from the House-hold Allowance of the Governor, only if such temporary or officiating service is followed without interruption by confirmation in any pensionable post.

NOTE—If service rendered in a work charged or non-pensionable establishment or in a post paid from contingencies falls between two periods of temporary service on establishment paid from the House hold Allowance of the Governor or between periods of temporary service and permanent service which qualifies for pension, it will not constitute an interruption of service." (The amendment takes effect from April 1, 1962).

Service under an employer other than Government

367. In the following cases Service under an employer to whose position Government has succeeded qualifies :

- (a) Service rendered to an Indian State and continued to the British Government on the lapse are annexation of the State, when old age or infirmity renders the officer a fit object for pension.
- (b) Not printed.

Section III—SECOND CONDITION

General principles

368. Service does not qualify unless the officer holds a substantive office on a permanent establishment.

369. An establishment, the duties of which are not continuous but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

370. Continuous temporary or officiating service under the Government of Uttar Pradesh followed without interruption by confirmation in the same or any other post shall qualify except—

- (i) periods of temporary or officiating service in non-pensionable establishment;
- (ii) periods of service in work-charged establishment; and
- (iii) periods of service in a post paid from contingencies.

(The amendment takes effect from April 20, 1977)

NOTE—If service rendered in a non-pensionable establishment, work-charged establishment or in a post paid from contingencies, falls between two periods of temporary service in a pensionable establishment or between periods of temporary service and permanent service in a pensionable establishment, it will not constitute an interruption of service.

*370-A Deleted.

*371. Deleted.

Apprentices and probationers

372. Service as an apprentice does not qualify, except in the following cases:—

Engineer or Examiner Apprentices.

In the Public Works
Department.

Qualified students of the Thomason College under practical training who passed out prior to the year 1924.

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373. The service of a probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office if he is employed in a vacancy reserved for him pending probation, and in which no other officer simultaneously counts service.

Decisions of the Government of India

(1) Probationary service not followed by confirmation does not qualify for pension.

[Government of India, Finance Department Memo no. 1620, dated March 31, 1868, and Government of India, Finance Department U.O. no. 6786-C.S.R. dated the 22nd December, 1925].

NOTE—It has been decided by the Auditor-General with the concurrence of Government of India that the above orders do not debar a Government servant from counting his probationary period for pension though he is confirmed in a post other than in which he was appointed on probation. [Auditor-General's no 316-A/153-39, dated the 27th June, 1939]

(2) A man having no, substantive appointment, officiating for some time in a vacancy caused by the absence of the permanent incumbent; can count his officiating service even if his subsequent probationary service in which he was engaged in continuation of his officiating service fails to satisfy the conditions of Article 373 and hence does not qualify.

[Government of India, Finance Department no. 3084-F, dated the 13th May, 1904]

(3) A Government servant holding a substantive appointment in one office and transferred as a probationer on a subsistence allowance to another office may count towards leave and pension his services in the latter capacity. It is essential, however, that the officer should retain a lien on his substantive appointment so that he may return to it in the event of his not being confirmed. Moreover, as under Article 355 (b) C.S.R. two officers cannot simultaneously count service in respect of the same office, no other officer may either be confirmed in the appointment substantively held by him or count for pension his service in that appointment.

[Government of India, Finance Department no. 59 C.S.R., dated the 15th May, 1912, and Auditor-General's decision no 46, in summary of Audit decision (Punjab during 1912-13)].

Decisions of the State Government

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(2) Cadets, who pass from the P. T. C., Moradabad, and are posted to districts for practical training before their appointment as probationary Sub-Inspectors of Police hold no substantive posts while under training and their service for that period cannot qualify for pension.

[G. O. no. 2398/VIII—450, dated November 20, 1935]

374. Police probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service as follows :—

(1) If recruited in England—from the date from which they draw pay.

(2) If recruited in India under the orders in Secretary of State's despatch no. 14, dated the 15th March, 1894—from the date of assuming charge of their appointments.

(3) If recruited in India before the date of the orders of 1894 mentioned in (2) above—from the date either of attaining the age of 20 years or of assuming charge of their appointments, whichever is later, provided that the service has been continuous.

Article 375 — deleted w.e.f. April 1, 1961

Permanent Officer deputed

376. An officer on a permanent establishment detached on temporary duty, on the understanding that when the temporary duty ceases, he will return to permanent establishment, counts his detached service.

Decisions of the State Government

The term "temporary duty" mentioned in this article does not cover the case of a Government servant whose tenure in the duty was temporary although the post in which he performed the duty was permanent. It applies only to such cases in which the duty itself was temporary. Consequently, a Government servant holding substantively a permanent pensionable post can count temporary duty for pension only when it is rendered in a temporary post created for a limited time and not when it is rendered in a permanent non-pensionable post. Time passed on duty by such a Government servant on a permanent non-pensionable post does not, therefore, qualify for pension. In view of this it was directed that whenever a appointing authority makes such transfers, it should clearly explain to the government servant concerned that his service in the non-pensionable post will not qualify for pension and should give him the option to accept or refuse such a transfer. If he refuses the offer other arrangements should be made to fill up the vacancy.

[G. O. no. A-1104/X-199, dated 21st September, 1936]

Decisions of the Government of India

(1) A permanent officer doing temporary duty counts his detached service in respect of his permanent appointment and not in respect of his temporary duty (See Article 490).

[Government of India, Finance Department no. 1009-F, dated the 3rd March, 1897]

(2) When, under Article 89, a Local Government suspends the lien of an officer on his substantive appointment, he counts service for pension in respect of the quasi-permanent appointment he, actually holds and consequently his locum tenens counts service in respect of his substantive provisional appointment.

[Government of India, Finance Department no. 5040-P, dated the 8th September, 1905].

(3) The expression "temporary duty" occurring in this article means duty in a temporary post.

[Government of India, Finance Department no. 385—CSR-26, dated the 8th February, 1927].

(4) The Government of India with the Secretary of State's approval, have decided that service rendered by Civil Assistant Surgeons as temporary officers in the Indian Medical Service, Whether before or after the 1st September, 1921, should be allowed to count for leave, promotion and pension under the Civil Rules of their reversion to Civil employment.

[Government of India, Army Department letter no. Z—7602—2-DM. S. I., dated the 12th November, 1929, copy received with Government of India, Finance Department endorsement no. F-164-R.I.-29, dated the 7th January, 1930].

(5) Civil Sub-Assistant Surgeons transferred to military duty during the present war will count their actual military service as double for purposes of pay, promotion and pension in the Medical Department, but the Provincial Government (U. P.), have agreed to meet the enhanced pensionary liability on account of the Civil Sub-Assistant Surgeons deputed by them for military duty, counting "active military service" double for pension.

(6) It has been ruled by the Government of India, that Article 376, Civil Service Regulations refers to cases of officers detached on duty in temporary appointment and does not cover the case of an officer officiating in a permanent non-pensionable post.

[Government of India, Finance Department letter no. F-385—CSR/26, dated the 8th February, 1927].

377. The preceding article permits the temporary suspension of the second condition of qualifying service which forms the subject of this section; it does not authorise any relaxation of first condition (Section II) or in the third condition (Section IV).

378. Service as Private Secretary to the Governor-General, a Governor or a Lieutenant-Governor, qualifies provided that the officer belonged, before his appointment as Private Secretary, to the Civil Service of Government, whether the Indian Civil Service or not.

Substantive Office Abolished

379. If the substantive office of an officer is abolished within the meaning of Article 426, but the officer is at the time, on special duty, or is, on abolition of his office, deputed on special duty, his service on special duty qualifies, but the duty must be special, mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify.

1. Not printed.

Piece Work

380. A Press servant who is paid for piece-work, is treated as having held a substantive office, if—

- (i) he is employed; not casually, but as a member of fixed establishment; and
- (ii) during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty-four months or it has not been through his own choice or misconduct that he has not been so attached.

Surveys and Settlements

381. (a) The service of an officer not merely temporarily engaged in the under mentioned Settlement and Survey Departments which are (or were) on a quasi-permanent footing qualifies : (Not printed).

(b) Except in the regular Department and to the extent above specified, Settlement and Survey service does not count unless it is followed, without interruption, by qualifying service. Settlement Service followed, without interruption, by pensionable service paid from a Patwari Fund also qualifies.

(c) Service as measurers employed in the record-of-rights work in Berar counts when such service is followed, without interruption, by qualifying service.

NOTE—1. From the dates mentioned, the following posts have been declared to be on quasi-permanent footing :

(a) In the settlement office in Uttar Pradesh from October 1, 1899 :

Head and Second Clerk.

Sadar Munsarim.

Settlement Officer's Reader.

Nazir and Record-keeper.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">(i) One Superintendent(ii) Three Noters and Drafters.(iii) One Accountant-cum-Store Keeper.(iv) One Reference Clerk.(v) One Camp Clerk-cum-Sarishtedar to the Settlement Commissioner.(vi) One Camp Assistant to the Settlement Commissioner. | <p>The above mentioned posts and the marginally noted posts in the Office of the Settlement Commissioner which have been declared as quasi-permanent in G. O. no. 318/I-1940, dated November 26, 1940, shall not be deemed to be quasi-permanent for the purposes of qualifying for pension, in respect of persons appointed to these posts who—</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- (a) had not completed an aggregate of three years' service in the Settlement Department on April 1, 1941, or
- (b) rejoin the Settlement Department after April 1, 1941, with less than an aggregate of three years' previous service in that Department,
- (c) join the Settlement Department for the first time after April 1, 1941.

NOTE—2. Not printed.

Decisions of the State Government

Settlement service will count to the same extent as temporary or officiating service counts under Article 370.

[G. O. no. G-2-2772/X—913-50, dated 20th August, 1962.]

Decisions of the Government of India

- (1) All Settlement service even if paid from contingent grant followed without interruption by qualifying service counts.

[Government of India, Finance Department no. 85—P, dated the 6th January, 1908.]

- (2) An interruption between an officer's non-qualifying service in the Survey and Settlement Department and his subsequent qualifying service may be condoned under Article 422, Civil Service Regulations in order to make the former service qualifying under Article 381(b) Civil Service Regulations.

[Government of India, Finance Department no. 100, C. S. R., dated the 23rd January, 1918.]

382. Deputy Collectors and similar Gazetted officers, when not specially employed for temporary work, are not affected by the preceding article, as they count service independently of the particular department to which they happen for the time to be attached.

Exception

383. A Medical Officer in-charge of a Government vessel may count his service a float, if he is transferred, without interruption of his service, to the Civil Medical Service.

384. Not printed.

Section IV— THIRD CONDITION

Sources of Remuneration

385. Service which satisfies the conditions prescribed in Sections II and III qualifies, or does not qualify, according to the source from which it is paid; with reference to this article, service is classified as follow :—

- (a) Paid from the General Revenues.
- (b) Paid from Local Funds.
- (c) Paid from Funds in respect to which the Government holds the position of Trustee.
- (d) Paid by Fees levied by law, or under the authority of the Government or by Commission.
- (e) Paid by the Grant, in accordance with law or custom, or a tenure in land, or of any source of income, or right to collect money.

General Revenues

386. Service paid from the General Revenues qualifies. The fact that arrangements are made for the recovery, on the part of the Government, of the whole, or part, of the cost of a 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.

NOTE—In making arrangements for the recovery or cost of establishments, it should not be forgotten that Government has to bear not only the immediate cost but also that of leave allowances and pensions—(See Article 783).

Examples—

* * * *

(f) when Police officers are entertained at the cost of individual and corporate bodies an additional charge of one-fourth of the pay of officers whose pay is not less than Rs. 100 a month, and of three-sixteenths of the pay of others must be defrayed by persons for whose benefit the officers are employed :

Provided always that the additional charge shall not be made when such officers do not belong to the regular Police, but are only temporarily engaged, their service not counting for pension, or when the pay of the officers is a charge upon the General Revenued—[See Article 495 (b)].

* * * *

387. Not printed.

388. Not printed.

389. Not printed.

Local Funds and Trust Funds

390. Service paid from a Local Fund qualifies, or does not qualify, according to the Rules laid down in Chapter XIII.

391. Service paid from Funds which Government hold only as a Trustee such as under a Court of Wards or in an Attached Estate, does not qualify.

Fees and Commission

392. Except when fees or commission are drawn in addition to pay from the General Revenues, service in an office paid only by fees whether levied by law or under the authority of Government or by a commission, does not qualify:

1. Service as official assignee does not qualify.
2. Not printed.

Tenures in Lands etc

393. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify.

394. Not printed.

Section V—DISTINCTION BETWEEN SUPERIOR AND INFERIOR SERVICE

395. Qualifying service is divided into Superior and Inferior.

396. Appendix 7-A, Part I, contains a list of appointments specially classed as superior. All service on pay exceeding Rs. 10 in an appointment not mentioned in Appendix 7-A is superior and service (in such an appointment) on pay not exceeding Rs. 10 is inferior:

(1) The State Government may transfer any appointment or a class of appointments on pay exceeding Rs. 15 a month from the inferior to the superior class unless the appointment falls under one or the other of the following entries in Appendix 7-A, Part I :—

(a) menials and inferior servants,

(b) messengers, orderlies, and other petty officers.

NOTE—If the pay of appointment is progressive the maximum pay is the criterion for the purpose of the above rule.

(2) The State Government may also transfer individual appointments irrespective of pay from the inferior to the superior category.

397. Cancelled.

398. Not printed.

399. The claims of an officer, promoted from an Inferior to a Superior grade as a reward for meritorious service, will be specially considered by the State Government under whom the officer is serving. This rule is to be strictly interpreted and a claim under it can be founded only on exceptional promotion made out of the ordinary course.

Exceptional cases

400. If an officer holds two or more offices, each of which is Inferior by reason of its pay not exceeding Rs. 10, he cannot count service as superior on the ground that his aggregate pay exceeds Rs. 10 unless the offices were arranged and their pay determined with the intention that they should be held by one individual.

401. Not printed.

402. (a) When the regular duties of an officer whose pay exceeds Rs. 10 but who bears an Inferior designation, are really such as are ordinarily performed by a Superior servant, his claim to pension should be specially referred to the State Government.

NOTE—It is not intended by this Article that an Inferior servant should count service as, Superior in virtue of his voluntarily assisting in Superior work. It provides for the case of a person who is engaged under due authority to do superior work, though with an Inferior designation.

(b) On the other hand, an officer whose real duties are those of an Inferior servant, even though his pay exceed Rs. 10 is not entitled to pension on the Superior scale merely because he draws pay under a Superior designation.

Examples—Accountants in the Province of Agra who served under the designation of Potdars. A lithographic Pressman designated as "Copying Clerk".

CHAPTER XVII—Rules for Reckoning Service

Section I—SPECIAL ADDITIONS

Special Appointments

CHAPTER XVII—Rules for Reckoning Service

Section I—SPECIAL ADDITIONS

Special Appointments

403. An incumbent of one of the offices enumerated below, appointed on account of professional or other special qualifications, whose whole personable service has been passed in one or other of such offices, shall, if appointed at an age exceeding 25, be entitled to reckon as service qualifying for super annuation pension (but not for any other class of pension) the actual period by which his age may at the time of appointment have exceeded 25 years, subject to the proviso that five years shall be the maximum period which can be so added. No officer can claim the benefits of this article unless his actual qualifying service at the time, he quits Government service is not less than ten years.

Exception—subsequent promotion to an appointment which is not one of the offices enumerated in this article, but is of similar nature and carries not less pay, does not deprive an officer of the concession prescribed above, provided that he has, when so promoted, completed not less than five year's qualifying service in one of the offices enumerated in this article.

NOTE—The provisions of this article do not apply to officers of the departments and holders of the appointments mentioned therein who are under the rule-making control of the Government of Uttar Pradesh, and are recruited on or after October 1, 1938.

Decisions of the State Government

1. Article 403 of the Civil Service Regulations shall be read and applied as if the holders of the posts enumerated below were mentioned in that article, viz. :—

- (i) Deputy Superintendent, Government Printing and Stationery.
- (ii) Gazetted posts of the technical and industrial institutions.
- (iii) Gazetted posts in the Thomason Civil Engineering College, Roorkee, other than those mentioned in Article 404-A.
- (iv) Superintendents of Public Gardens.
- (v) Assistant Chemical Examiners.
- (vi) Inspectors of Registration appointed by direct recruitment.
- (vii) Members of the U.P. Public Health Service recruited on or after July 4, 1931.

[This order except item (vii) has effect from September 12, 1929, vide Finance Department notification no. A-953/X-155, dated July 20, 1932.]

Item (vii) was added by notification no. A-1099/X-155, dated December 15, 1936.]

The above concession will not apply to officers who join service in a non-gazetted capacity.

[Vide Finance Department endorsement no. 2364-I/XVIII-563, dated March 20, 1933.]

NOTE—Members of the U.P. Public Health Service who held non-pensionable appointments before July 4, 1931, but were subsequently appointed to pensionable posts on or before July 4, 1931, are also entitled to the concession under this article.

404. Cancelled.

404-A. For officers mentioned in Article 349-A, the concession of adding to qualifying service is as follows:

In the case ofEducational (.....Provincial Services),Factory and Boiler and Smoke Nuisance Inspection,the Provincial Judicial Services, Distillery Experts in the.....Excise Department.....Superintendent of Provincial Government Press,.....*(Provincial Medical Service, Chemical Examiner, Provincial Agricultural Service, Agricultural Engineers to Government, Deputy Directors of Gardens, Professors and Assistant Professors of Mechanical and Electrical Engineering in the Thomason Civil Engineering College, Roorkee), and of such other appointments as may be definitely specified in this behalf in other Departments, except those included in clause (i) of Article 474-A, in which recruitment is likely to take place normally after 25 years of age, officers recruited over that age may add to their service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding five years by which their age at recruitment exceeded twenty-five years. This concession will not be granted to individual officers appointed at an age exceeding twenty-five years to Departments or appointments other than those included above. No officer can claim the benefit of this article unless his actual qualifying service at the time he quits Government service is not less than ten years.

Note 1.—The term "age at recruitment" shall be interpreted as the date of commencement of continuous service, whether in a substantive or officiating capacity, in a post to which this article applies; all service (if any) rendered by the officer before attaining the age of 30 years (or before the date of his continuous appointment to such a post, whichever is earlier) being ignored.

Note 2.—The extra years conceded in this article count towards the limit of 28 years' qualifying service prescribed in Article 475-A.

Rules 1.—The benefit of this article will not be admissible in a case where the officer is initially appointed to a post not included in it but is subsequently appointed to such a post.

2—The provisions of this article apply to members of the Bar directly appointed before the 23rd February, 1937, to judicial posts ordinarily reserved for members of the Indian Civil Service, but in their case the maximum period to be added will be ten years.

3 and 4—Not printed.

5—The provisions of this article do not apply to officers of the departments and holders of the appointments mentioned therein who are under the rule-making control of the Government of the Uttar Pradesh and are recruited on or after October 1, 1938.

Ruling of the Comptroller and Auditor-General

.....The date of first officiating appointment should be taken as the date of recruitment for the purpose of Article 404-A (Auditor-General of India's letter to A. G., U. P., no. 8-A/171-47, dated January 10, 1948.

405. Omitted.

406. Omitted.

Section II—PERIODS OF LEAVE

Superior and Inferior Services

407. Except as provided in Article 408, time passed on leave other than privilege leave, or subsidiary leave taken under the Rules in force prior to 29th July, 1920, does not count as service.

In the case of inferior servants, however, who were in service on October 1, 1947, any leave taken by them prior to that date counts as service to the extent to which it counted under the rules applicable to such servants prior to that date.

NOTE—1. In the case of Government servants on foreign service out of India, leave granted to them by the foreign employer on full or average pay or equivalent terms, will up to a limit to four months on any one occasion be treated as privilege leave for the purpose of this article. All other leave with allowances will be dealt with as in Article 408, Civil Service Regulations.

NOTE—2. In the case of Government servants recruited to the Provincial Subordinate and Specialist Services on or after January 1, 1936. any period of "earned leave" not exceeding 120 days in any one spell shall count as "privilege leave" in the calculation of service for pensions and additional pensions. Earned leave alternating with deputation out of India shall not be split up into different periods separated by deputation but treated as one continuous spell of leave which shall count for pension under this article up to a limit of 120 days, earned leave in excess of 120 days in any one spell shall count under Article 408.

NOTE—3. Earned Leave in excess of period of 90 days taken in accordance with the order contained in Paragraph 7 of G.O. no G-1353/X—232-1945, dated October 25, 1945, will count for pension as privilege leave under Article 407 instead of as leave with allowance under Article 408.

Decisions of the Government of India regarding Articles 407 and 408

The Government of India have decided that a period of military service, which has been allowed to count as part of service qualifying for pension under civil rules under Article 356, should be included in 'total service' for the purpose of Article 408*. Privilege leave and other leave with allowances taken during the period of military service will count for pension under Articles 407 and 408 respectively like corresponding leave taken under civil leave rules.

‡ 408. Notwithstanding anything contained in Article 407, all periods of leave with allowances, except the leave refused under Fundamental Rules 86 or 86-A, shall count as service.

409. Not printed.

410. Time passed on leave obtained to be present at an examination which he passed before an officer is eligible for higher subordinate appointments, such as Deputy Magistracies, counts.

411. the government of India may at its discretion decide in the case of an officer (including a person in training for, but not actually appointed to, Government service), who is selected to undergo a course of training, whether the time spent in training shall count as service qualifying for pension. The State Government exercises similar powers in respect of officers serving under it.

NOTE—1. The government of India and State governments may delegate their power under this article to Heads of Departments as regards officers serving under them.

NOTE—2. the Government of India or a State Government may issue general orders under this article in regard to any specified class of officers under training.

Decision of the State Government

Counting of period spent in training in pension— The Governor in Council has been pleased under Article 411 C. S. R. to declare that periods spent in training by Government servants holding lien on permanent and pensionable posts shall be treated as service qualifying for pension.

Deputation out of India

412. When an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is employed, or is detained after the termination of his leave on duty, the period of such employment or detention counts.

Recall to duty

413. Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognised leave out of India counts provided his return to duty is compulsory.

414. Deleted.

415. Cancelled.

SECTION III— SUSPENSION, RESIGNATION AND BREAKS IN SERVICE

Periods of Suspension

416. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement, but time passed under suspension adjudged as a specific penalty does not count.

417. If an officer who has been suspended, pending enquiry into his conduct is reinstated, but with forfeiture of any part of his allowances for the period of suspension, his period does not

count (save with the special sanction of the Head of the Department) unless the authority who reinstates the officer expressly declares at the time that it shall count.

Resignations and Dismissals

418. (a) Resignation of the public service, or dismissal or removal from it for misconduct, insolvency in-efficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(b) Resignation of and appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. (a) a Government servant who is dismissed, removed or compulsorily retired from public service, but is reinstated on appeal or revision, is entitled to count his past service.

(b) the period of break 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 unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

Interruption

420. an interruption in the service of an officer 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 office of the absentee is not substantively filled; if his office is substantively filled the past service of the absentee is forfeited.

(c) suspension immediately followed by reinstatement which need not be to the same office.

(d) abolition of office or loss of appointment owing to reduction of establishment.

(e) transfer to non-qualifying service in an establishment under government control, the transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture.

(f) not printed.

(g) time occupied in transit from the one appointment to another provided that the officer is transferred under the orders of the competent authority, or if he is non-gazetted officer with the consent of the head of his old office.

421. The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances.

"422. Interruptions in service either between to spells of permanent and temporary service or between a spell of temporary and permanent service or vice versa may be condoned by the Pension Sanctioning Authority subject to the following conditions, namely—

(1) the interruptions should have been caused by reasons beyond the control of the government servant concerned;

(2) Service preceding the interruptions should not be less than of five year's duration, and in cases where there are two or more such interruption, the total service, pensionary benefits in respect of which will be lost if the interruption are not condoned should not be less than five years, and

(3) Interruptions should not be more than of one year's duration and in cases where there are two or more such interruptions the total period of interruptions sought to be condoned, should not exceed one year."

(The amendment takes effect from the date of publication in the Gazette).

††Provided that the above power may be exercised by the pension sanctioning authority in cases in which the qualifying service even otherwise is not less than of ten year's duration.

Decisions of the State Government

It has been decided, in relaxation of the provisions of Article 422, that in case of re-appointment of a retrenched person on the same or any other post, the interruption between the date of retrenchment and re-appointment shall be treated as condoned but the period of interruption shall not be included in qualifying service.

[Finance Department no. G-2/3060/X-6-67, dated the 30th January, 1968.]

*422-A. Deleted.

*423. Deleted.

423-A. Cancelled.

Decision of the State Government

With effect from April 1, 1961, Article 370-A, has been deleted and Article 370 has been re-written envisaging the counting towards pension of all continuous temporary or officiating service under the government of Uttar Pradesh followed without interruptions by confirmation in the same or any other post except in the cases mentioned therein. A question has been raised whether in view of the absence of a reference of Article 370 in the note under Articles 422 and 422-A interruptions could as from April 1, 1961 be condoned between spells of temporary service or between spells of temporary and permanent service. It is hereby clarified that condonation of such interruptions is not permissible under Articles 422-A or 422 C. S. R.

[Finance Department O. M. no. G-2—3729/X—904-(15)-60, dated the 27th December, 1966].

423. (1) Upon any condition which it may think to impose, the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.

(2) The State Government may similarly condone a deficiency not exceeding twelve months.

(3) If an officer claiming superior service has also rendered inferior service.....the State Government under whom he is serving may condone a deficiency in his qualifying service for pension on the superior scale not exceeding one-half of his inferior service subject to a maximum of twelve months in all.

Decision of the State Government

General principal governing condonation of deficiency in service:—

(1) Condonation will not be considered where the services of an officer are terminated owing to—

(a) resignation,

(b) voluntary retirement

(c) dismissal or discharge.

(2) Condonation may be considered if the services have been terminated owing to—

(a) the abolition of a post, provided that the period of service rendered by the officer concerned is not less than 15 years, or

(b) the officer having lost all earning capacity owing to circumstances connected with the performance of his official duties, or

(c) ill health, provided that the Officer has not less than 15 years actual service (excluding period of leave) to his credit and the ill health has not been caused by irregular or intemperate habits, or

(d) the Officer having attained the age of superannuation provided that the total qualifying and non-qualifying service rendered by him is not less than 25 years.

Note— the above principles are not intended to apply to cases falling under clause (3) of Article 423 since that clause does not strictly deal with condonation of deficiency in service but rather allows commutation of inferior service into superior service for the purpose of pension.

CHAPTER XVIII—Conditions of grant of Pension

Section I—CLASSIFICATION OF PENSIONS

424. Pensions for "Superior and Inferior services" are divided into four classes, the Rules for which are prescribed in the following sections of this Chapter:

- (a) compensation pension (See Section II),
- (b) invalid pensions (See Section III),
- (c) superannuation pensions (see Section IV),
- (d) retiring pensions (See Section V),

425. Deleted.

Section II—COMPENSATION PENSION

426. If an officer is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by authority competent to discharge him to be at least equal to 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 has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

Decisions of the Government of India

(1) A reduction in the number of men paid for piece-work and treated as having held a substantive office under Article 380, Civil Service Regulations, should be considered as an abolition of their appointments within the meaning of Article, 426 Civil Service Regulations and the saving may in such cases be calculated on the average earnings of the last six months as laid down in rule 1, Article 486, Civil Service Regulations.

[Government of India, Finance Department no. 6611-P, dated the 29th October, 1903].

(2) If an officer is transferred to a non-qualifying appointment in the interest of public service and under orders of a competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.

[Government of India, Finance Department no. 490, dated 21st May, 1882].

427. Cancelled.

Selection for Discharge

428. The selection of the officers to be discharged upon the reduction of an establishment should *prima facie* be so made that the least charge for Compensation pension will be incurred.

429. The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 426; the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set-forth in every application for compensation pension. The saving should always exceed the cost of pension; otherwise it may perhaps be better to postpone the refunction of establishment or abolition of appointment. (See orders printed as Appendix 8.)

NOTE—The relaxation of the condition laid down in this Article requires the sanction of the State Government.

Decisions of the Government of India

(1) A reduced compensation pension may be granted in cases in which the savings effected by the reorganisation of an establishment are insufficient to meet the full pension admissible under rules.

[Government of India, Finance Department no. 214, dated the 14th January, 1890].

(2) In the case of men whose service qualifies under Article 380, Civil Service Regulations, a reduction in their number should be considered as an abolition of their appointments within the meaning of Article 426, and the saving in such cases should be calculated on the average earning of the last six months of service on the principle laid down in rule 1 under Article 486, Civil Service Regulations.

[F. and C. Department no. 6611-P, dated the 20th October, 1903] [Para 218, India Supplement to CSR (5th edn)].

(3) Article 429 does not apply to new cases specially dealt with under Article 434 of the Civil Service Regulations.

[Government of India, Finance Department U. O. no. 95-R-CSR, dated the 29th January, 1915].

Restrictions

430 A Deputy Collector, Munsiff, or similar officer who belongs to the public service apart from his particular local appointment cannot obtain a compensation pension on the abolition of a particular appointment.

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

432. No pension may be awarded for the loss of a duty or local allowance.

433. Not printed.

Special cases

434. If it is necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the State Government, who will deal with it in accordance with the rules laid down in this section as to notice of discharge and compensation pension or gratuity.

435. If of two appointments held by one officer only one is abolished and it is desired to give him an immediate pension in respect of the abolished post, the case should be specially referred for the orders of the State Government competent to abolish the appointment.

Notice of Discharge

436. Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office, If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Articles 474 to 481; but the pension shall not be payable for the period in respect to which he receives a gratuity in lieu of notice.

1. The gratuity prescribed in this article is not granted as compensation for loss of employment but only in lieu of notice of discharge with a view to mitigate the hardship caused to an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or nonqualifying service, he is not entitled to any gratuity.

2. Unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officer whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving such notices. In the case of an officer on leave, the order shall not be brought into operation until the leave expires.

NOTE—"Emoluments" in this rule means the Emoluments or leave allowances (or partly the one, partly the other) which the officer would be receiving during the period in question had the notice not been given to him.

Decisions of the Government of India

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

(2) If an officer is transferred to a non-qualifying appointment in the interests of the public service and under order of a competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.

[Government of India, Finance Department no. 4904, dated the 30th April, 1882].

(3) 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.

[Government of India, Finance Department no. 34-22-P, dated the 8th August, 1893].

436-A. Whenever it is found necessary to determine the service of an officer 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 officer in writing.

Offer of Re-employment

437. Cancelled.

438. The rule in Articles 511 and 512, requiring the refund of a compensation gratuity on re-employment, applies to a gratuity awarded under Article 436, if the officer is permanently re-employed within three months from the date of notice. But the officer need not refund that proportion of his gratuity under this Rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity; but if such temporary employment is foreseen, the gratuity should be proportionately reduced.

439. Cancelled.

Acceptance of new Appointment

440. If an officer who is entitled to Compensation pension accepts instead another appointment in the public service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

Decisions of the Government of India

The term "pension" as used in Article 440, Civil Service Regulations, includes gratuity and that article applies in cases coming under Article 398-B either to the pension or gratuity on the superior scale or the gratuity on the inferior scale.

[Government of India, Finance Department no. 6364-P, dated the 28th February, 1894].

Section III— INVALID PENSION

441. An Invalid pension is awarded, on his retirement from the public service, to an officer who by bodily or mental infirmity is permanently incapacitated for the public service, or for the particular branch of it to which he belongs.

Rules regarding Medical Certificates

442. An officer applying for an Invalid pension shall submit a medical certificate of incapacity in the manner specified below:

(a) If the officer submitting the application is on leave elsewhere than in India then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a consultant.

The services of doctors approved for the officers and staff of the Mission concerned shall be utilised for this purpose, provided they fulfill the above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined.

(b) If the officer submitting the application is in India, then the examining medical authority shall be:

(1) a Medical Board, in the case of all Gazetted government servants and those non-Gazetted servants whose pay, as defined in Fundamental rule 9(21) exceeds Rs. 400 per mensem.

(2) a Civil Surgeon or a Medical Officer of equivalent status in other cases.

(c) Except in the case of the officer on leave elsewhere than in India, 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 the office or department in which the applicant is employed with a statement of what appears from official records to be the applicant's age. Where the applicant has a service book, the age recorded there should be reported.

443. (a) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(b) If the examining Medical Officer, although unable to discover any specific disease in the officer, 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.

(c) In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer.

444. 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 fifty-five 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 understated.

Form of Medical Certificate elsewhere than in India

445. The form of medical certificate given by the Medical Board arranged by the Indian Mission abroad, respecting an officer applying for Invalid pension while on leave elsewhere than India, shall be as follows :—

‘We have carefully examined Sri.....taking into account all the facts of the case as well as his present condition, we consider that he is incapable of discharging the duties of his situation, and that such incapability is likely to be permanent. His incapacity does not appear to us to have been caused by irregular or intemperate habits.’

NOTE—If the incapacity is obviously the result of intemperance, substitute for the last sentence ; ‘In our opinion his incapacity is the result of 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).

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

446. If any doubt arises regarding the validity of a certificate by the Medical Board arranged by the Indian Mission abroad, the Audit Officer must not of his own motion reject the certificate as invalid but must submit the matter for the decision of the State Government.

Form of Medical Certificate in India

447. (a) The form of the certificate to be given respecting an officer applying for pension in India is as follows :

"Certified that I (we) have carefully examined A B son of C D, a.....in the.....His age is by his own statement.....years, and by appearance about.....years. I (we) consider A B, to be completely and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits."

Note—If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the 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 for further service of a less laborious character than that which he has been doing (or say, after resting for.....months, be fit for further service of a less laborious character than that which he has been doing).

(b) the object of the alternative certificate (of partial incapacity), is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there is no means of employing him even on lower pay, then he may be admitted to pension; but it should be consider whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule.

447-A. Not printed.

448. Not printed.

Special Precautions in the Police

449. District Superintendents of Police should be on their guard against endeavours to retire on Invalid pension by officers who are capable of serving longer.

450. Medical Officers should confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon him incapacity for further service.

451. Medical Officer should be specially searching in their examination of the physical unfitness of every applicant for pension, and, whenever the number of applicants for pensions is large, the examination should, if possible, be conducted by two Medical Officers.

Restrictions

452. An officer discharged on other grounds has no claim under Article 441, even although he can produce medical evidence of incapacity for service.

453. Cancelled.

454. 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 authority by which the pension is gratable to decide what reduction should be made on this account.

Applicant to be discharged

455. An officer who has submitted under Article 442 a medical certificate of incapacity for further service, must not (except for special reasons to be reported to the State Government) be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence.

Without the special orders of the authority which has power to sanction the pension, service after the date of such medical certificate does not count for pension.

Decisions of the State Government

In the case of an officer who is invalided from service retirement should ordinarily take effect from the date of the report by the medical board.

456. The object of Article 455 is to discourage tentative applications; but an inferior servant (including in that term a Police Officer whose pay does not exceed Rs. 20) who, in the opinion of the head of his office, is fit for light work may be retained in employment till his pension is sanctioned, provided that his place is not filled up till he retires, and that his service counts only to the date of his medical certificate.

457. Article 455 refers only to the retention in active service of an officer who has furnished a medical certificate in respect of an application for Invalid pension or gratuity while in India. The retirement of an officer who is absent on leave other than Privilege leave, when such certificate is submitted, may have effect from the termination of his leave, and the officer may continue to draw leave allowance to the end of his leave.

Decisions of the State Government

The retirement of a government servant who is invalided while on leave granted under subsidiary rule 155 in the Financial Hand Book, Volume II, may have effect from the termination of the hospital leave already granted to him. The period spent on hospital leave on average pay will be treated as privilege leave for pension under Article 407, and the period, if any, spent on hospital leave on halfaverage pay will count for pension to the extent indicated in Article 408.

Section IV—SUPERANNUATION PENSION

458. A superannuation pension is granted to an officer in superior and inferior services entitled or compelled, by Rule, to retire at a particular age.

459. The date of compulsory retirement of a Government servant is such as may from time to time be prescribed therefor in the Financial Hand book Vol. II.

460. Deleted.

461. Cancelled.

462. Cancelled.

463. Omitted.

Optional Retirement at fifty-five

464. Deleted.

465. (1) A retiring pension is granted to a government servant who is permitted to retire after completing qualifying service for 25 years or on attaining the age of 50 years.

(2) A retiring pension is also granted to a government servant who is required by Government to retire after attaining the age of 50 years.

NOTE—1. Government may at any time, without assigning any reason, require any government servant to retire on three months, notice or pay in lieu of the whole or part thereof, after he has attained the age of 50 years, and no claim to special compensation on this account shall be entertained. Such decision shall be taken by the Government in the Administrative Department if it appears to it to be in the public interest. In the case of pay being given in lieu of the whole or part of such notice, the said period shall stand added to the government servant's qualifying service for the purposes of calculating the pension and the death-cum-retirement gratuity due to him and for no other purpose.

NOTE—2. The Inspector General of Police, Uttar Pradesh, may exercise the power vested in the Government in respect of compulsory retirement of Constables and Head Constables subject to the condition laid down in Note 1.

NOTE—2-A. Government may delegate its power under Note 1 to any officer on authority not lower than the authority by which the government servant concerned was appointed. Where the power is so delegated. Government may from time to time, issue executive instructions indicating guiding principles in that behalf, but nothing contained in Note 1 or in this Note shall be construed to require any recital, in the order, of such decision having been taken in the public interest or to require the publication of such instructions.

NOTE—3. A government servant who has elected to retire under this Article and has given necessary information to that effect to the competent authority, shall be precluded from withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment and unless his request for withdrawal is made within the intended date of his retirement.

NOTE—4. A continuous temporary or officiating service under the Government, followed without interruption by confirmation in the same or any other post, other than temporary or officiating service, in a non-pensionable establishment or service in a work-charged establishment or service in a post paid from contingencies, shall be taken into account in computing qualifying service for the purposes of this Article.

Decisions of the State Government

1. Certain cases have come to Government's notice in which a Government servant who was thought to have completed 25 years qualifying service was either allowed to retire, or was retired compulsorily under the provisions of Note—1, below Articles 465 or 465-A of the C.S.R., but it was later discovered, on a closer scrutiny of the case, that qualifying service was actually less than 25 years and that, consequently, no retiring pension could be granted under the rules. The retiring Government servant in such cases is placed in a difficult position and Government desire that to avoid such irregularities, the officer sanctioning or ordering retirement should scrutinize the service record of the retiring government servant very carefully and should sanction or order the retirement only after he has fully satisfied himself that the condition of 25 years' qualifying service has been fulfilled. In case of any doubt on this point the retirement should be sanctioned or ordered only after the length of qualifying service has been got verified by the Accountant General, Uttar Pradesh, who should while making such reference, be invariably furnished with the following records and documents:—

A—In the case of gazetted officers—

(i) Service Book, if available.

(ii) History of services (in duplicate) in the prescribed form in respect of non-gazetted service, if any.

‡(iii) Leave statement showing all kinds of leave except casual leave availed of during his non-gazetted service, if any.

B—In the case of non-gazetted officers—

(i) Service Book.

(ii) History of services in duplicate in the prescribed form.

* (iii) Leave statement.

(iv) Recorded facts in respect of officiating and temporary services in order to determine whether they count for pension under Articles 370 and 373, Civil Service Regulations.

2. According to Note 3, a Government servant who had elected to retire under Article 465, 465-A of the Civil Service Regulations and had given necessary intimation to that effect to the competent authority, should be precluded from withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment; provided his request for withdrawal is made within the intended date of his retirement. Ordinarily the power to grant such permission should not be exercised by the appointing authority unless the person concerned is in a position to establish that there has been a material change in the circumstances in consideration of which the intimation was originally given.

465—A—For officers mentioned in Article 349-A, the rule for the grant of retiring pension is as follows :

(1) An officer is entitled, on his resignation being accepted, to a retiring pension after completing qualifying service of not less than 25 years, or on attaining the age of 50 years.

(2) A retiring pension is also granted to an officer who is required by Government to retire after attaining the age of 50 years.

NOTE—1. Government may at any time, without assigning any reason, require any officer to retire on three months' notice or pay in lieu of the whole or part thereof after he has attained the age of 50 years, and no claim to special compensation on this account shall be entertained. Such decision shall be taken by the Government in the Administrative Department, if it appears to it to be in the public Interest. In the case of pay being given in lieu of the whole or part of such notice, the said period shall stand added to the officer's qualifying service for the purposes of calculating the pension and the death-cum-retirement gratuity due to him and for no other purpose.

NOTE—2 Deleted

NOTE—2-A. Government may delegate its power under Note 1 to any officer or authority not lower than the authority by which the officer concerned was appointed. Where the power is so delegated. Government may from time to time issue executive instructions indicating guiding principles in that behalf, but nothing contained in Note 1 or in this Note shall be construed to require any recital, in the order, of such decision having been taken in the public interest or to require the publication of such instruction.

NOTE—3. An officer who has elected to retire under this Article and has given necessary information to that effect to the competent authority, shall be precluded from withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment and unless his request for withdrawal is made within the intended date of his retirement.

NOTE—4. A continuous temporary or officiating service under the Government followed without interruption by confirmation in the same or any other Post other than temporary or officiating service in a non-pensionable establishment or service in a work-charged establishment or service in a post paid from contingencies, shall be taken into account in computing qualifying service for purposes of his Article."

(The amendment takes effect from November 1, 1973).

Decisions of the State Government

As under Article 465.

466. See Article 509-A.

Combined Appointments

467. An officer holding two or more separate appointments may not, save with the express sanction of.....the State Government, 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.

NOTE— A State Government also may delegate its powers to Heads of Departments.

CHAPTER XIX—Amount of Pensions

Section 1—GENERAL RULES

468. The amount of pension that may be granted is determined by length of service. In calculating the length of qualifying service, fractions of a half year equal to three month and above shall be treated as a completed one half year and reckoned as qualifying service.

Currency

469. A pension is fixed in rupees and not in sterling money even though it is to be paid in England.

Award of Full Pension

** 470-A Omitted.

Decisions of the Government of India

A Local Government has not the power to reduce a pension already granted when proof, which was not available at the time of sanctioning the pension, is subsequently given of the pensioner's service not having been thoroughly satisfactory.

[Government of India, Finance Department no. 5752-P, dated November 7, 1901.]

Decision of the State Government

Subject to the provisions of any law for the time being in force, an appeal against an order sanctioning a reduced pension under clause (b) of the above Article shall lie to the authority to whom an appeal would ordinarily lie against an order of punishment under Chapter XIII of the Classification, Control and Appeal Rules or under the appeal rules promulgated in Government notification no. 2628/II—264, dated August 3, 1932.

[G. O. no. 843/x—325, dated March 3, 1919].

Limitations

471. An officer entitled to pension may not take a gratuity instead of pension.

NOTE— Not printed.

472. Not printed.

473. Not printed.

473-A. Not printed.

Section II—AMOUNT OF PENSION

474. Subject to the directions here in after contained in Article 474(bb), a pension is regulated as follows:

"(a) After a service of less than ten years a gratuity not exceeding (except in special cases and under the orders of the Government of Uttar Pradesh) up to a maximum of 12 months emoluments one-half month's emoluments for each completed six monthly period of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may at the discretion of the authority which has the power to sanction the gratuity, be substituted for emoluments:"

(b) For compensation, Invalid and superannuation pensions—

After a service of not less than ten years an amount not exceeding the following :—

Completed six monthly periods of qualifying service	Scale of pension		Maximum limit of pension			
1	2		3			
			Rs.			
20	10	sixtieths, of average Amolumets	2,000	a year or	166 2/3	a month
21	10½	Ditto	2,100	Ditto	175	Ditto
22	11	Ditto	2,200	Ditto	185 1/3	Ditto
23	11½	Ditto	2,300	Ditto	191 2/3	Ditto
24	12	Ditto	2,400	Ditto	200	Ditto
25	12½	Ditto	2,500	Ditto	208 1/3	Ditto
26	13	Ditto	2,600	Ditto	216 2/3	Ditto
27	13½	Ditto	2,700	Ditto	225	Ditto
28	14	Ditto	2,800	Ditto	233 1/3	Ditto
29	14½	Ditto	2,900	Ditto	241 2/3	Ditto
30	15	Ditto	3,000	Ditto	250	Ditto

31	15½	Ditto	3,100	Ditto	258 1/3	Ditto
32	16	Ditto	3,200	Ditto	266 2/3	Ditto
33	16½	Ditto	3,300	Ditto	275	Ditto
34	17	Ditto	3,400	Ditto	283 1/3	Ditto
35	17½	Ditto	3,500	Ditto	291 2/3	Ditto
36	18	Ditto	3,600	Ditto	300	Ditto
37	18½	Ditto	3,700	Ditto	308 1/3	Ditto
38	19	Ditto	3,800	Ditto	316 2/3	Ditto
39	19½	Ditto	3,900	Ditto	325	Ditto
40	20	Ditto	4,000	Ditto	333 1/3	Ditto
41	20½	Ditto	4,100	Ditto	341 2/3	Ditto
			Rs.		Rs.	
42	21	Sixtieths of average emoluments	4,200	a year	350	a month
43	21 1/2	Ditto	4,300	Ditto	358 1/3	Ditto
44	22	Ditto	4,400	Ditto	366 2/3	Ditto
45	22 1/2	Ditto	4,500	Ditto	375	Ditto
46	23	Ditto	4,600	Ditto	383 2/3	Ditto
47	23 1/2	Ditto	4,700	Ditto	391 2/3	Ditto
48	24	Ditto	4,800	Ditto	400	Ditto
49	24 1/2	Ditto	4,900	Ditto	408 1/3	Ditto
50 and above	30	Ditto	5,000	Ditto	416 2/3	Ditto

(bb) "Notwithstanding anything contained in clause (b) the amount of invalid pension in the case of a Government servant who retires on invalid pension in terms of Articles 441 to 457 shall not be less than the amount of family pension which would have become admissible to his family under the New Family Pension Scheme, 1965 had he died on the date he became invalid".

(c) For retiring pensions—Up to 49 completed six monthly periods of qualifying service—as under clause (b) : thereafter—

Completed six monthly periods of qualifying service	Scale of pension	Maximum limit of pension	
1	2	3	
		Rs.	Rs.
50 25	sixtieths of average emoluments	5,000 a year or	416 2/3 a month
51 25 ½	„	5,000 „	416 2/3 „
52 26	„	5,000 „	416 2/3 „
53 26 ½	sixtieths of average emoluments	5,000 a year	416 2/3 a month
54 27	„	5,000 „	416 2/3 „
55 27 ½	„	5,000 „	416 2/3 „
56 28	„	5,000 „	416 2/3 „
57 28 ½	„	5,000 „	416 2/3 „
58 29	„	5,000 „	416 2/3 „
59 29 ½	„	5,000 „	416 2/3 „
60 30	„	5,000 „	416 2/3 „
and above.			

(a) After a service of less than ten years, a gratuity not exceeding (except in special cases, and under the orders of the Government of India, up to a maximum of 12 months' emoluments) one month's emoluments for each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments.

(b) For invalid, superannuation and compensation pensions after a service of not less than ten years an amount not exceeding the following amounts :—

Years of completed service		Scale of pension	Maximum limit of pension
1		2	3
		Rs.	Rs.

10 10	sixtieths of average emoluments	2,000 a year, or	166 2/3 a month
11 11	„	2,200 „	183 1/3 „
12 12	„	2,400 „	200 „
13 13	„	2,600 „	216 2/3 „
14 14	sixtieths of average emoluments	2,800 a year,	233 1/3 a month
15 15	„	3,000 „	250 „
16 16	„	3,200 „	266 2/3 „
17 17	„	3,400 „	283 1/3 „
18 18	„	3,600 „	300 „
19 19	„	3,800 „	316 2/3 „
20 20	„	4,000 „	333 1/3 „
21 21	„	4,200 „	350 „
22 22	„	4,400 „	366 2/3 „
23 23	„	4,600 „	383 1/3 „
24 24	„	4,800 „	400 „
25 30 and above	„	5,000 „	416 2/3 „

NOTE 1. For the precise meaning of average emoluments, see Articles 486 and 487.

NOTE 2. In the case of Government servants recruited on or after April 1, 1948, and Government servants who were already in service on that date but who have elected the Contributory Provident Fund—Pension—Insurance Rules, 1948, the amount of pension or gratuity actually payable shall be regulated in accordance with rules 16 and 17 of those rules.

* 474-A. For officers mentioned in Article 349-A, the amount of pension is regulated as follows :—

(a) For retiring pensions—Up to 49 completed six monthly periods of qualifying service—as in Article 474(b) ; thereafter—

Completed six monthly periods of qualifying service	Scale of Pension	Maximum limit of pension

1	2	3	
		Rs.	Rs.
50 25th	sixtieths of average emoluments	— 5,000 a year or	416 2/3 a month
51 25 1/2	„	— 5,100 „	425 — „
52 26	sixtieths of average emoluments	— 5,200 „	433 1/3 „
53 26 1/2	„	— 5,300 a year,	441 2/3 a month
54 27	„	— 5,400 „	450 „
55 27 1/2	„	— 5,500 „	458 1/3 „
56 28	„	— 5,600 „	466 2/3 „
57 28 1/2	„	— 5,700 „	475 „
58 29	„	— 5,800 „	483 1/3 „
59 29 1/2	„	— 5,900 „	491 2/3 „
60 30 and above	„	— 6,000 „	500 „

(c) For retiring pensions.

Up to twenty-four years of completed service, as under clause (b) above ; thereafter,

Years of completed service	Scale of pension	Maximum limit of pension	
1	2	3	
		Rs.	Rs.
25 25th	sixtieths of average emoluments	— 5,000 a year, or	166 2/3 a month
26 26	„	— 5,000 „	416 2/3 „
27 27	„	— 5,000 „	416 2/3 „
28 28	„	— 5,000 „	416 2/3 „
29 29	„	— 5,000 „	416 2/3 „
30 30	„	— 5,000 „	416 2/3 „

and above.			
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(b) For other pensions—Up to 50 completed six monthly periods of qualifying service—as in Article 474 (b) ; thereafter—

Completed six monthly periods of qualifying service	Scale of pension	Maximum limit of pension	
		Rs.	Rs.
51 30	Sixtieths of average emoluments	5,100 a year or	425 a month
52 30	„	5,200 „	433 1/3 „
53 30	„	5,300 „	441 2/3 „
54 30	„	5,400 „	450 „
55 30	„	5,500 „	458 1/3 „
56 30	„	5,600 „	466 2/3 „
57 30	„	5,700 „	475 „
58 30	„	5,800 „	483 1/3 „
59 30	„	5,900 „	491 2/3 „
60 30	„	6,000 „	500 „
and above.			

NOTE—In the case of government servants appointed on or after January 1, 1936, except in the case of those persons who were in the subordinate service on December 31, 1935 and promoted to the provincial service after that date, the amount of pension shall be calculated under Article 474.

Stood as follows :—

474—A. For officers mentioned in Article 349—A, the amount of pension is regulated as follows :

(i) Officers of the Imperial Services of the Forests, Geological Survey, Public Works, Railway and Telegraph Department and any others covered by Article 635 who entered service before the 6th day of December, 1932.

(A) For invailed (superannuation and compensation) pensions—

Up to 24 years of completed service—as in Article 474; thereafter—

Years of completed service	Scale of pension	Maximum limit of pension	
		Rs.	Rs.
25 30	sixtieths of average emoluments	5,000 a year or	416 2/3 a month
26 30	„	5,200 „	433 1/3 „
27 30	„	5,400 „	450 „
28 30	„	5,600 „	466 2/3 „
29 30	„	5,800 „	483 1/3 „
30 30	„	6,000 „	500 „
and above.			

475—Officers holding any of the appointments enumerated below and

(b) For retiring pensions—

Up to years of completed service,—as in Article 474; thereafter—

Years of completed service	Scale of pension	Maximum limit of pension	
		Rs.	Rs.
20—24 30	Sixtieths of average emoluments	4,000 a year or	333 1/3 a month
25 30	„	5,000 „	416 2/3 „
26 30	„	5,200 „	433 1/3 „
27 30	„	5,400 „	450 „
28 30	„	5,600 „	466 2/3 „
29 30	„	5,800 „	483 1/3 „
30 30	„	6,000 „	500 „
and above.			

NOTE—In the case of an officer with 20—24 years of completed service who enters service before the 22nd April, 1939, the amount of superannuation or compensation pension will be 30/60ths of average emolument, subject to a maximum limit of Rs. 4,000 a year if this rate is more advantageous than that admissible under sub-clause (a).

(I-A) Officers holding the following posts who are not members of an all-India or Central Service:

(1) Deputy Secretary to Government.

(2) Chief inspector of Offices.

(3) Director of industries.

(4) Deputy Director of Industries.

(5) professor, Thomason civil Engineering College, Roorkee.

(6) Examiner, Local Fund Accounts.

(7) Second Deputy registrar, Co-operative Societies.

(8) Superintendent, Printing and Stationery for so long as Mr. D. W. Crighton holds the post.

(9) Chief Inspector of Boilers and factories so long as Mr. W. G. Mackay holds the post.

(10) Deputy Legal Remembrancer—Cum-Ex Officio deputy secretary for so long as Mr. P. C. Mogha holds the post.

(a) For retiring and superannuation pensions—up to 24 years of completed service—as in Article 474,—thereafter:

Years of completed service	Scale of pension	Maximum limit of pension	
		Rs.	Rs.
25 25	Sixtieths of average emoluments	6,000 a year or	500 a month
26 26	„	6,200 „	516 2/3 „
27 27	„	6,400 „	533 1/3 „
28 28	„	6,600 „	550 „
29 29	„	6,800 „	566 2/3 „
30 30	„	7,000 „	583 1/3 „
and above.			

belonging to what was formerly termed the uncovenanted service, may be allowed by the State Government an additional pension of Rs. 1,000 a year, provided that they have rendered not less than three years of effective service (that is, service of the same nature as than which under the provisions of Article 644, counts for the special pensions admissible under Article 642) in such appointment, and provided also that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of

officers entering government service after the 31st December, 1909, the grant of the additional pension is subject to the further condition that—

(b) For other pensions—as in the clause (ii) below.

Note—Government servants appointed to the above posts on or after January 1, 1936 shall be entitled to pension under Article 474, or if they were already in a provincial or subordinate service on December 31, 1935 under clause (ii) of this Article.

(ii) Other Officers

(a) For retiring pensions:—

Up to 24 years of completed service, as in Article 474; thereafter—

Years of completed service	Scale of pension	Maximum limit of pension	
	Rs.	Rs.	
25 25	sixtieths of average emoluments 5,000 a year or a month	416 2/3	
26 26	"	5,200 "	433 1/3 "
27 27	"	5,400 "	450 "
28 28	"	5,600 "	466 2/3 "
29 29	"	5,800 "	483 1/3 "
30 30	"	6,000 "	500 "
and above			

(b) For other pensions—

Up to 25 years of completed service,—as in Article 474; thereafter—

Years of completed service	Scale of pension	Maximum limit of pension	
	Rs.	Rs.	
26 30	Sixtieths of average emoluments	5,200 a year or 433 1/3 a month	
27 30	"	5,400 "	450 "
28 30	"	5,600 "	466 2/3 "

29 30	"	5,800 "	483 1/3 "
30 30	"	6,000 "	500 "
and above.			

Note 1—In the case of government servants appointed on or after January 1, 1936, except in the case of those persons who were in the subordinate service on December 31, 1935 and promoted to the provincial service after that date, the amount of pension shall be calculated under Article 474.

Note 2—In the case of government servants recruited on or after April 1, 1948, and government servants who were already in service on that date but who have elected the Contributory Provident Fund-Pension Insurance Rules, 1948, the amount of pension or gratuity actually payable shall be regulated in accordance with rules 16 and 17 of those Rules.

they must, in the event of voluntary retirement, have completed twenty eight years of qualifying service, the same rule applies to officers of the Forest Department who entered government service on or before the 31st December, 1909, (including those who were appointed on probation on or before that date) with the exception of those who have at the time of their retirement, rendered three year's active service on not less than the maximum pay of a Conservator. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 465.

Registration Department—Inspector-General.

Police Department—Inspectors-General and deputy Inspectors-General under Local Governments and Administrations, and the commissioners of Police Calcutta, Madras, Rangoon and Bombay.

Jail Department—Inspectors-General under Local Governments, but not under Chief Commissionerships.

Education Department—Directors of Public Instruction.

* * * *

Forest Department—Inspector-General of Forests and Conservators.

* * * *

General Administration—Commissioners of Divisions.

* * * *

Notes—1. See special addition to the form of certificate in form no. 26 (Pension).

2. Not printed.

3. Cancelled.

475—A. The grant of special additional pensions to officers specified in Article 349—A is regulated as follows:

(1) the special additional pension admissible under this article is not to be given as a matter of course but only where the service rendered is approved as satisfying the standard of work and conduct required in special conditions of the post or duty hereinafter mentioned.

(2) Officers who have held posts listed in the Schedule to this Article may be granted an additional pension (a) at the rate of Rs. 300 for each completed year of effective service in any post included in the lower grade, and (b) at the rate of Rs. 500 for each completed year of effective service in any post included in the upper grade, up to a maximum of Rs. 1,500 per annum for service in lower grade appointments and Rs. 2,500 per annum for service in lower and upper grade appointments combined or in upper grade appointments alone : provided that in the case of an officer who has earned an additional pension by service in appointments in both the upper and lower grades, service for any broken period of a year in the upper grade may count as service in the lower grade if his pension would be thereby increased.

(3) An officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities, and which carries the same rate of pay as a post listed in the Schedule, may be granted an additional pension in respect of that post at the rate and subject to the conditions prescribed in clause (2) this Article.

(4) For the purpose of clauses (2) and (3) of this Article "effective service" includes, besides periods of duty in a post mentioned in the said clauses—

(i) duty performed—

(a) in a post of corresponding rank and responsibility in foreign service, or

(b) On deputation on special duty, or

(c) in a temporary post, or

(d) in a permanent post in an officiation capacity, to which an officer is transferred or appointed whilst holding the post mentioned in clause (2) or (3), if, in the case of an officer who held a post mentioned in clause (2) in an officiating capacity or of an officer who held a post mentioned in clause (3), Government certifies that he would, if he had not been so transferred, or appointed, have continued to officiate in or hold the post concerned.

(ii) Privilege leave or leave under the Fundamental Rules Corresponding to privilege leave for the purpose of calculating service for pension taken by the officer during his service in a post mentioned in clauses (2) and (3) or during the period of duty covered by sub-clause (i) of this clause, if in the case of an officer who has held a post mentioned in clause (2) in an officiating capacity, or who has held a post mentioned in clause (3), Government certifies that he would, if he had not proceeded on leave, have continued to officiate in the post mentioned in clause (2), or have held a post mentioned in clause (3).

(5) An officer of pensionable status who has held a post in foreign service with a State-owned Railway worked by a Company, Which is certified by Government to correspond in rank and responsibility with a State Railway post listed in the Schedule may be granted an additional pension in respect of that post at the rates and subject to the conditions prescribed in clause (2) of this Article provided that, for the purpose of this clause "effective service" means duty (including

privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension) in a foreign service post.

(6) An officer who has received under the second proviso to Fundamental Rule 30 (1) or under Fundamental Rule 113, officiating promotion to one of the posts listed in the Schedule, or in whose case Government certifies that he would have received such promotion he had not been on special duty or held a temporary post, may be granted an additional pension at the rates and subject to the conditions prescribed in clause (2), as though he had during the period for which he officiated or would have officiated, a post listed in the Schedule.

For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken during the period, if Government certifies that, had the officer not been on leave, he would have continued in the same capacity.

(7) In the case of officers entering Government service after the 31st December 1909, other than officers of the Indian forest Service who were appointed on probation on or before that date the grant of the additional pension is subject to the condition that they must in the event of voluntary retirement have completed 28 years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 464 and 465–A(i).

*Schedule of Appointments carrying Additional Pension.

A—Upper Grade—

Director of Education,

Chief Engineer, Public Works Department,

Chief Engineer, Irrigation Department,

Chief Engineer, Electricity Department,

Director of Medical and Health Services,

Additional Chief Engineer, Irrigation Department.

B—Lower Grade—

District and Sessions Judge,

Inspector General of Prisons,

Chief Conservator of Forests,

Director of Agriculture,

Chief Engineer, Local Self-Government Engineering Department,

Superintending Engineers, Public Works Department,

Superintending Engineers, Irrigation Department,

Superintending Engineers, Electricity Department,

Conservators of Forests,

Any other pensionable appointment in a Departement other than those to which the appointments included in this Schedule appertain, the minimum pay of which is not less than Rs. 1,500 a month.

Decisions of the State Government

The officers mentioned in Article 349–A, C. S. R. and recruited on or after January 1, 1936 can not be deprived of the benefit of Special Additional pension on account of restriction imposed by Finance Department Notification no. A–1271/X–244, dated December 12, 1935, referred to in Note below Article 474–A(C).

[Finance Department no. G-II-1488/X-915-1960, Dated 30th June, 1960]

Audit Instructions

1. The Secretary of State in Council has ruled that the provision in this Article that an Officer, as a condition of eligibility for the award of an additional pension, must have shown "such special energy and efficiency as may be considered deserving of the concession" shall be interpreted to mean that an officer who has rendered approved service in one of the post to which the Article applies shall be eligible for the additional pension.

2. When a government servant officiating in a post qualifying for special additional pension is transferred to another such post in an officiating capacity, the period of joining time spent in proceeding from one post to the other counts as service in a post qualifying for a special additional pension only if the competent authority certifies that had the officer not been on joining time he would have held either the new or the old qualifying post.

475–AA, 475–AAA, 475–B and 476. Not printed.

477–480. Cancelled.

481. Deleted.

482. If the pay of an officer has been reduced during the last three years of his service otherwise than as a penalty, his gratuity or pension under this Section may, at the discretion of the authority which has power to sanction it, be calculated upon the average of his pay during the last three years of his service.

Premature invalidating

483. An officer should not, without urgent necessity, be invalided when he has nearly completed thirty year's service: the Government cannot undertake to overlook a deficiency of service resulting from an officer being prematurely invalided. The principle of this rule applies to all analogous cases.

484. Not printed.

485. Not printed.

Section IV—ALLOWANCES RECKONED FOR PENSION

Emoluments and average emoluments

486. The term "Emoluments" when used in these Regulations means the "Pay" as defined in Rule 9(21) of the U. P. Fundamental Rules, which the officer was receiving immediately before his retirement.

NOTE—If an officer immediately before his retirement or death, has been absent from duty on leave with allowances, his emoluments for the purpose of calculating service gratuity and or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty:

Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

NOTE 2—Pay drawn in a tenure Appointment (s) will count provided the service in tenure appointment (s) does not qualify for the grant of special additional pension.

487. The term "Average Emoluments" means the average calculated upon the last one years of service. (amendment w.e.f. 1.4.75)

(j) Duty allowances.

NOTES: 1— In the case of Section writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380. 'Emoluments' means the average earnings of the last six months of service. For calculating gratuity on the Superior scale, 'Emoluments' means the average earnings of the last six months in Superior service, and for calculating pension on the Inferior scale, pay means the average earnings of the last six months in Inferior service.

2. In the case of an officer with a substantive appointment who officiates in another appointment or holds a temporary appointment. "Emoluments" means—

(a) The emoluments which would be taken into account under this Article in respect of the appointment in which he officiates or the temporary appointment as the case may be, or

(b) The emoluments which would have been taken into account under this Article had he remained in his substantive appointment, whichever are more favourable to him.

From April 1, 1961

486. The term "Emoluments" when used in these Regulations, means the emoluments which the officer was receiving immediately before retirement and includes—

(a) Pay other than that drawn in a tenure post ;

(b) personal pay granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post ;

(c) Pay drawn in a post held in provisionally substantive capacity under Fundamental Rule 14 (d) ;

(d) Officiating pay drawn by an officer without a substantive appointment officiating in an office which is substantive by vacant, or the permanent incumbent of which does not draw any part of the pay or count service; officiating pay in the case of an officer who, while holding a permanent post in substantive capacity is appointed to officiate in another permanent post which is substantive by vacant and on which no officer holds a lien or is temporarily vacant in consequence of the absence of the permanent incumbent on leave without pay or on transfer to foreign service;

(e) Special pay which is treated as pay under Fundamental Rule 9 (21) (i) and is drawn substantively or which is granted under Fundamental Rule 9 (25) ;

(f) One-half of—

(i) special pay which is treated as pay under Fundamental Rule 9 (21) (i) and is not drawn substantively ;

(ii) the difference between the substantive pay and the pay actually drawn in higher officiating or temporary appointments other than the pay referred to in clause (d) and sub-clause (i) above ;

(iii) personal pay other than that referred to in clause (d) above ;

(iv) the difference between the substantive pay and the pay actually drawn in higher tenure appointment whether held in substantive or officiating capacity; and

(v) pay drawn in temporary or officiating appointments in those cases where the officer has less than three years' substantive service on the date of retirement.

Note—In the case of a Section writer whose service has been allowed to count for pension under special orders of the State Government—and of a Press servant whose service qualifies under Article 380, 'Emoluments' means the average earnings of the last six months of service.

Rules I—If during the last three years of his service, an officer has been absent from duty on leave with allowances, or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from the duty or suspended : Provided always (a) that his pension must not be increased on account of increase in pay not actually drawn and (b) that an officer will not during leave be allowed to count as emoluments the sub-protem allowances which he would have been entitled to so count under Article 486 (h) had he remained on duty, if another officer has been appointed sub-protem to the same appointment during the period of such leave. But if his absence on departmental or recess leave is reckoned as service under Article 409, only the allowances, if any, actually received during such leave should be taken into account.

2. If, during the last three years of his service, an officer has been absent from duty on leave without allowances (not counting for pension) or in inferior service, or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, on equal period before the three years being included.

2—A. In the case of military officer, departmental officer, warrant or non commissioned officer or soldier who was in civil employ on 7th June, 1937 and was or may be granted a pension under

military Rules on or after the 30th May, 1933 and whose pay has been reduced under clause (b) of Article 526, emoluments for purpose of ascertaining the average shall be taken at what they would have been had the pay not be reduced.

3. Excepting as provided in rules 1, 2 and 2–A, only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

4. In the case of section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of press servants whose service qualifies under Article 980, "Average Emoluments" means the average earnings of the last seventy-two months in superior service.

NOTE 1. This rule applies in the case of a press servant remunerated by a fixed rate of pay if his pay is met from the grant for piece work.

NOTE 2. Overtime earnings of press servants paid at piece-work may be taken into account in calculating Average Emoluments under this rule; but such earnings must be excluded in reckoning the Average Emoluments of Press employees who drew pay at fixed rates.

NOTE 3. If during the last 72 months of service a press servant has been for some period on fixed pay and for other periods a piece work employee, overtime earnings may be taken into account in calculating pension only for the periods during which he was remunerated at piece-work rates.

Decisions of the Government of India

(1) In the case of an officer who has submitted a medical certificate of incapacity for further service while on leave other than privilege leave, the period of leave up to the date of its termination when that is later than the date of medical certificate should be taken into account for the purpose of calculating Average Emoluments.

[Government of India, Finance Department No. 5179–P, dated the 10th December, 1896]

(2) In the case of a piece-worker leave without pay in this rule means only sanctioned periods of leave and not casual absence without allowances.

[Government of India, Finance Department No. 1225–P, dated the 5th March, 1909]

(3) (a) In cases in which a piece–work employee in Press establishment is remunerated at different times during the last three years of his service by his fixed pay and piece rates, average emoluments should be calculated on the last 12 months' service according to rule 4 under Article 487 of the C. S. R.

(b) In cases where a piece-work employee retires on a date other than the 1st day of a month and broken periods of a month have consequently to be taken into account in calculating pension, average emoluments should be calculated on the earnings of the last 72 complete months, ending on the last day of the month immediately preceding that in which the officer retires from the service, the "month" referred to above being not necessarily the calendar month but the month for which the accounts of piece-workers, earnings are made out, namely from one date in a calendar month to the corresponding date of the next calendar month.

(c) In cases where leave without allowances or suspension occurs during the 72 months' service, an equal period of qualifying service rendered immediately before the period should be taken into account in accordance with the principle laid down in Rule 2 under Article 487 of the C.S.R.

[Government of India, Finance Department no. 7479-P, dated the 10th December, 1903]

(4) Leave without allowances in Rule 2 under Article 487 is extraordinary leave granted under Article 339 (now 306), C.S.R. and not furlough or/other leave which but for the operation of Article 147 (iii) would carry leave allowance, and that such leave whether it actually carries leave allowances or not, is leave with the allowances for the purposes of the rules under Article 487, C.S.R.

[Government of India, Finance Department no. 927-P, dated 15th February, 1906]

(5) In the calculation of average emoluments of an officer drawing commission who was deputed to temporary duty for some time during the last three years of his service and drew pay the commission earned by him during the three years should be divided by the period for which he was in his substantive appointment during those years, the period of deputation being disregarded.

[Government of India, Finance Department no. 3090-P, dated the 24th May, 1907]

(6) It has been decided by the Government of India that the local allowances drawn by part time observers holding substantive appointment in Government service should be treated as "remunerative" local allowance which should count towards leave allowances and pensions.

[Government of India, Revenue and Agriculture Department letter no. 156-75-2, dated the 28th January, 1916]

(7) Fees or commission to be included in "assumed pay"—In the case of an officer transferred to foreign service who was, prior to his transfer, in receipt of fees or commissions in addition to pay, Government of India decided that if the fees or commission are reckoned towards pension under Article 487, C.S.R. they may be included in "assumed pay" [Article 754 (b) (ii) C.S.R.] the amount of the fees or commission being taken at the average earnings for the last six months previous to the date of transfer.

[Government of India, Finance Department no. 5275-P, dated the 16th December, 1896]

Audit Instructions

1. For purposes of calculation of "average emoluments" under this article an increase of pay which took effect during the currency of privilege leave combined with furlough during the last three years of service, and was actually drawn by a government servant as part of his privilege leave allowances under Article 60, Civil Service Regulation, is not an "increase in pay not actually drawn" within the meaning of proviso (a) to Rule I under this article the rate of pay during the furlough portion to be taken into account for the calculation of "average emoluments" would be what the government servant would have drawn had he been on duty, i.e., the increased rate of pay drawn during the privilege leave portion of the combined leave.

2. The principle underlying paragraph I above applies in the case of a government servant who takes leave under the Fundamental Rules during the last three years of his service and who, during the currency of the leave on average pay not exceeding four months or the first four months of

3. Periods of joining time which fall within the last three years of a government servant's service should form part of the three years of the purposes of "average emoluments".

4. Basis of recalculation of pension in the case of non-superior officers transferred to foreign service before September 5, 1928.

5. Basis for calculation of pension, in respect of seasonal establishments governed by Article 369, Civil Services Regulations.

Allowances which do not count

(5) Compensation for dearness of provisions.

Net emoluments taken

(1) Members of Police Forces constituted under Acts XIII of 1856, XXIV of 1859, and V of 1861 of the Governor-General of India in Council

(2), (3) and (4) Not printed.

Municipal Police

495. (a) If the police of a town are wholly supported by, and under the control of a municipality, the Government has no concern with their pensions.

(b) But if the Government, being interested in the efficiency of a Police Force, paid, wholly or partly, by a Municipality, the Calcutta Port Trust or from Cantonment Funds, or from the General Revenues subsidised by a contribution from a Municipality, in Calcutta Port Trust or from Cantonment Funds, undertakes the organisation and control of the Force, as connected with an auxiliary to the Civil Constabulary, service in such a Force qualifies, the contributions of Municipalities, in Calcutta Port Trust, or of Cantonment Funds towards the cost of the pensions of such Forces are, for the present, undetermined.

496. Not printed.

497. Omitted.

Railway Police

498. The service of members of the Railway Police, appointed and controlled by Government, qualifies, though they may be either wholly or partly paid by the Railway Companies.

Section II—QUALIFYING SERVICE

499. Service in any of the Police Forces mentioned in Article 494, after the establishment of a Superannuation Fund in the Force, qualifies.

NOTE 1.—The Superannuation Funds were Funds to which, with the exception of... members of the Oudh Military Police, Police officers whose pay did not exceed Rs. 20 were obliged to contribute. In return of these contributions, they became entitled to pensions according to the rules of the several Funds.

Officers whose pay exceeded Rs. 20 did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869 the Superannuation Funds established under Acts XXIV of 1859 a V of 1861 of the Governor General of India in Council...were abolished...

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In the Police Force of which the Superannuation Funds were abolished the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less subscriptions to the funds, the Government undertaking the liabilities of the Funds.

NOTE 2.—"I am directed to acknowledge the receipt of your letter no. 1860, dated 27th April, 1876, enquiring whether Armourers, Bellows-boys, Bhistis, and Muchis who have subscribed to the Police Superannuation Fund should be allowed pension according to the special rules for the Police, or according to the scale prescribed in Article 481 of these Regulations, and whether, in

the latter case the subscriptions recover from them on account of the Police Superannuation Fund should not be refunded.

In reply, I am to say that, as a general Rule, the subscriptions recovered from the employees in question should be refunded to them with interest, and their claims to pensions will then be dealt with in accordance with the ordinary rules for Inferior servants. In the case, however, of men who have served for not less than ten years the option should be allowed to them either of receiving back their subscriptions and coming under the ordinary pension rules, or of continuing their subscriptions and eventually receiving pensions under the special rules for the Police."

[Finance Department to Bombay no. 1051-D., dated the 23rd June, 1876]

500. Not printed.

Service before Enlistment

501. In the following cases service rendered before enlistment in the present Police Constabulary qualifies:

(a) Service in superior grades in any other Department qualifies.

(b), (c) and (d) Not printed.

502. Cancelled.

Section III—AMOUNT OF PENSION

503. The pension admissible to police constable will be determined according to the rules contained in Chapters XVII to XIX for the calculation of pensions for Superior Service; except that their service in the Police Force after the age of 18 years qualifies.

504. Not printed.

505. Deleted.

506. The pension admissible to an Officer other than a police constable, is determined by the Rules which apply to ordinary service, except that service rendered after the completion of twenty years of age, and declared by this Chapter to be qualifying, is treated as Superior service.

Rule 1—If the officer was promoted from the rank of police constable and loses by promotion any benefit as to pension which he would have enjoyed, his pension may be regulated as if he had not received the promotion.

2. Not printed.

Previous Inferior Service

507. If part of an officer's continuous service qualifies for pension under the general rules, but does not qualify under the rules in this Chapter, he may elect to receive, in lieu of the pension admissible under this Chapter, such pension as is admissible to him under Articles 398 and 481 to 483 for the whole of his service both Inferior and Superior (See Article 460).

Calculation of Pension

509. ...pension is to be calculated upon the net pay, i.e., the pay actually received by the officer, and not upon the gross pay i.e., the pay from which were deducted the subscription to the Superannuation Funds (see concluding sentence of Note 1 to Article 499). But this rule shall not, unless he be either promoted to higher pay or degraded for misconduct to lower pay, be applied to any officer who, on the 19th July, 1871, was entitled by the rules of the Superannuation Fund, to have his pension calculated on his gross pay.

CHAPTER XXI—Re-employment of Pensioners

Section I—GENERAL

509-A. No officer, Civil or Military, may retire with the view of being re-employed, and drawing pension in addition to pay, whether in the general service or in the service of any local fund.

510. When a person who was formerly in the civil or military employment of any Government in India 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 require by the rules of this Chapter and shall communicate a copy of the order to the Audit Officer.

NOTE—The principle of this Article 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 (vide Article 524-B and 524-C).

510-A. The attention of every officer who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, by the Audit Officer; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the regulations contained in this Chapter.

510-B. Notwithstanding anything contained in the rules in this Chapter, a wound or other extraordinary pension sanctioned under the Uttar Pradesh Civil Services (Extraordinary Pension) Rules and a wound or injury or disability pension or a disability addition to pension award under the military rules shall continue to be draw 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 up 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 rank and the actual length of service rendered. In calculating

this service element an amount of 50 paise and over shall be taken as a whole rupee, amounts of less than 50 paise being ignored. The disability portion of the pension will be the balance.

Section II—CIVIL PENSIONERS

Re-employment after compensation (Gratuity)

511. An Officer who has obtained a Compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

512. The intention to refund must be stated immediately on re-employment, but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

NOTE—The equity of this rule is based upon the consideration that so long as the refund of the gratuity is postponed, the officer avoids the risks and the State loses to possibility of the gratuity lapsing absolutely to the public treasury by the death or dismissal of the officer. A subsequent refund of a gratuity, even with compound interest does not compensate the State for the loss of this possibility meanwhile.

513. (See Article 510-A.)

After Compensation Pension

514. (a) An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from General Revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of the pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or temporary appointment for bona fide temporary duty lasting for not more than a year, the Local Government or, in cases where the pension does not exceed Rs. 10 a month, the officer who controls the establishment on which the pensioner is to be employed, may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

NOTE 1.—This rule applies to the re-employment on all establishments paid from the General Revenues, whether paid by fixed salary or by fluctuating monthly allowances ; but it does not apply to pensioners employed on work as coolies and paid daily hire.

NOTE 2.—In the case of re-employment under a Local Fund, no deduction is made from a compensation pension.

NOTE 3.—The State Government may permit an officer who has obtained a compensation pension and is afterwards re-employed in a permanent or temporary appointment duly sanctioned

by competent authority, to draw his full pension in addition to the pay and allowances of the appointment irrespective of the period of such re-employment.

NOTE 4.—The State Government may delegate its power under this Article to Heads of Departments in respect of pensioners whose re-employment they are authorised to order.

NOTE 5.—The restrictions in the Article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month.

(b) If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

NOTE —An officer counts his previous service under clause (b) if on re-employment his pension remains wholly in abeyance under the provisos to clause (a).

515. In the case of a section-writer whose service has been allowed to qualify for pension under special orders of the Government of India, or of a press servant (See Article 380) re-employed, the substantive pay at the time of discharge is taken at the average earning of the last six months of employment.

516. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by Article 514, of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of the State Government.

517. Cancelled.

518. Cancelled.

After Invalid Pension

519. There is no bar to the re-employment of an officer who has regained health after obtaining invalid pension or if an officer is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after Compensation pension.

After Superannuation or Retiring Pension

520. An officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except on public grounds.

Sanction to re-employment or extension of the term of employment may be given as follows:

(i) By the Government of India in the Administrative Department concerned, when the pensioner served before retirement in a Gazetted appointment directly under the Government of India or belonged to an Imperial Service or Imperial Branch of any Service, or was an officer who, before retirement, held a post usually filled by officers of an Imperial Service or Branch;

(ii) In other cases, by the State Government under whose administration the pensioner is re-employed;

(iii) By any authority subordinate to a State Government to whom the State Government may delegate its powers under this article in respect of pensioners re-employed in establishments under the control of such authority.

NOTE—A State Government may declare that the restrictions contained in this Article 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.

Decisions of the State Government

1. Administrative departments need not refer the following categories of cases to the Finance Department :—

(a) Where a retired Government servant is proposed to be re-employed on the same post from which he retired and it is proposed to allow him a pay which, together with his pension as originally sanctioned, i.e., before commutation, if any, does not exceed the pay drawn by him immediately prior to retirement ; and

(b) where a Government servant, who was serving on a post outside the regular line prior to retirement, is proposed to be re-employed on a post in the regular line and, on re-employment, is to be allowed a pay which, together with his pension, as originally sanctioned, does not exceed the pay which he would have drawn immediately prior to retirement had he retired from the post which he would have occupied in the regular line.

Cases of re-employment not covered by the above paragraph should continue to be referred to the Finance Department.

It should be borne in mind that in respect of pensioners who were members of the U.P. Contributory Provident (Pension) Fund, the amount of pension to be taken into account for purposes of fixing the pay on re-employment should be the amount of pension they would have been entitled to draw had they not joined the U.P. Contributory Provident (Pension) Fund.

NOTE—The same principle will apply to the Death-cum-retirement Gratuity earned under the Liberalized Pension Rules/Retirement Benefits Rules. The pension to be taken into account in such cases should include the pension equivalent of the D.C.R. gratuity. (Also see Article 521).

[Finance Department O.M. no. G-II—121/X—1-1953, dated January 19, 1953.]

2. Although re-employment of a pensioner can be sanctioned only by Government, appointing authorities often re-employed pensioners without obtaining prior approval and move Government after a long time for ex post facto approval of such re-employment. In some cases, a re-employed pensioner is even allowed pay which together with his pension exceeds the pay drawn by him at the time of retirement. This places Government in an embarrassing position leading even to difficulties of recovery of excess payments. It should, therefore, be ensured that no pensioner should be re-employed without obtaining prior approval of Government. O.M. no. G-2—1588/X—I-1953, dated March 22, 1960.

Decisions of the Government of India

1. In view of the powers possessed by an Administrative Department of the Government of India under clause (1) of Article 520, C.S.R. the extension of the term of employment, of a pensioner who served before retirement in a non-gazetted capacity directly under the Government of India may be accepted in audit, although a Department of the Government of India has not been invested with the powers of a Local Government under clause (ii) of Article 520, C. S. R.

[Government of India, Finance Department U.O. No. 5675-C.S.R., dated the 18th November, 1926.]

2. When in special and exceptional circumstances, it is considered desirable to re-employ an officer who has been permitted to retire on proportionate pension in a post under the Government, the pay of the post should be reduced by the full amount of his pension. In cases where rule 9 of the Rules for Premature Retirement on Proportionate Pension is applicable, an alternative course might be to move the Secretary of State to suspend the payment of pension while the officer continues to be employed under the Crown.

[Government of India, Finance Department Memo no. F-12-I—R-II/1929 dated the 5th August, 1929.]

3. The restrictions on the provincial Governments under Article 520 of C.S.R. requiring them to obtain sanction of the Government of India, for the re-employment of retired Central Government officers ceases to be operative. The modification of the Rule has, however, been deferred till the revision of the C. S. R.

[Government of India, Ministry of Finance, File no. 7(59)-EV/1958.]

4. Provincial Governments are competent to sanction the re-employment of retired officers, previously under the rule making control of the Secretary of State in posts created by them under their own powers.

[Government of India, Home Department no. 125/41-Ests., dated the 22nd November, 1941.]

Audit Instructions

Fundamental Rule 56 is generally applicable to re-employed personnel, and the rules in Chapter XXI of the Civil Service Regulations are subject to the conditions laid down in Fundamental Rule 56. Article 520, Civil Service Regulations, however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside Fundamental Rule 56, and subject to the conditions stated in the article itself which must be observed with every renewal of sanction.

521. The authority competent to fix the pay and allowances of the appointment in which the pensioner is employed shall determine whether the pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part such authority shall take * [such pension and the pension equivalent of the Government contribution to the Contributory Provident Pension Fund/death-cum-retirement gratuity, if any,] into account in fixing the pay to be allowed to him ; provided that (i) where a State Government has delegated its power under clause (iii) of Article 520 to the Head of a Department, the latter may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re-employment or continued employment is

for bonafide temporary duty lasting for not more than a year or the pension does not exceed Rs. 10 a month, and (ii) where the State Government has delegated its power to any other authority subordinate to itself, such authority may not allow the pensioner to draw in full a pension of more than Rs. 10 a month in addition to the full pay of the post.

NOTE—1. Where the employment is in service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either—

(i) the authority administering the local fund, if so empowered by the State Government by special or general orders in this behalf, or

(ii) in any other case, the State Government or such other authority as the State Government may prescribe.

NOTE—2. The restrictions in this Article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month.

NOTE—3. The pension equivalent of Government contribution to the Contributory Provident Pension Fund/death-cum-retirement gratuity will be determined in accordance with the U.P. Civil Pensions (Commutation) Rules.

Exceptions

522. The Foregoing rules do not apply to pensioners re-employed under the Court of Wards.

523. A pensioner of any class may be employed as a Extra Departmental Agent in the Post Office, or as a Sub-Registrar under the law for the registration of documents remunerated by fees only.

524. Cancelled.

524-A. Not Printed.

In case of Commutation of Pension

524-B. In the case of a pensioner who is re-employed in Government service or in the service of a local Fund and who commutes a portion of his pension after such re-employment, the amount of pension which the pensioner is entitled to draw under the Rules in this Section shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

In the case of a pensioner whose pension is held wholly in abeyance during such re-employment, and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In the case of a pensioner whose pension is held partly in abeyance during such re-employment, and who during this period, commutes a portion of his pension in excess of the portion actually drawn his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.

524-C. In the case of a pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment, or continued employment and not merely the uncommuted pension.

Section III—MILITARY PENSIONERS

525. Except where it is otherwise expressly provided, the Rules in Section II of this Chapter do not apply to military officer, departmental officer, warrant or on-commissioned officer or soldier who is taken into or allowed to continue in civil employ after he has been granted a pension under military rules. The claims of such an officer to salary in the Civil Department are governed by Article 526. His pension for service in the Civil Department will not be affected by his military pension.

526. (a) When a person formerly in military service obtains employment in the civil department after having been granted a military pension he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension, including such portion of it as may have been commuted.

(b) A military officer, departmental officer, warrant or non-commissioned officer or soldier who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may with effect from the date from which the pension is granted, reduce such pay and allowances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

* NOTE—In the case of persons retiring before attaining the age of 55, the military pension as shown below may be ignored in fixing the pay on re-employment :—

- (i) In case the military pension does not exceed Rs. 50 per mensem, the actual pension ;
- (ii) In other cases, the first Rs. 50 of the military pension.

Pension for this purpose includes pension equivalent of gratuity and other forms of retirement benefits.

Decisions of the State Government

The notification of the aforesaid note was published in the U.P. Gazette, dated August 6, 1966. This amendment will, therefore, take force from the aforesaid date. The Government have now decided that the pay of those persons, who were in re-employment on the aforesaid date shall, on exercise of option for this amendment, be fixed accordingly with effect from the aforesaid date. On exercising such option their pay will be fixed as if they were re-employed on the aforesaid date for the first time. The option shall be exercised in writing within a period of six months from the date of issue of these orders and once exercised shall be final.

[Finance Department no. G-II—2685/X—3-1956, dated November 15, 1967.]

2. The State Government have under consideration the questions (i) whether the pensions sanctioned to personnel of the former Indian State Forces should be treated as military pension

for the purposes of Article 526 of the Civil Service Regulations and (ii) whether such pensions should be taken into account in fixing their pay on re-employment in a civil capacity under them. The Governor has been pleased to decide that (i) the pension sanctioned to the personnel of Ex-State Forces should be treated as military pension for the purposes of Article 526 of the Civil Service Regulations and that (ii) the pensions of such personnel should be taken into account for the purpose of fixation of pay on their re-employment under the State Government to the extent indicated in Article 526 of the Civil Service Regulations. The cases of fixation of pay of re-employed pensioners under this Article will of course, be referred to the State Government on the analogy of cases falling under Article 521.

[G.E. no. G-II—2672/X—923-1953, dated April 17, 1953.]

The above orders will apply to the past cases only to the limited extent that any reduction in re-employed pay should be effective only from the date of issue of the said orders namely, December 9, 1952.

[G.O. no. G-II—1433/X—923-1952, dated June 26, 1953.]

3. Under the existing Rules military pensioners who are re-employed in Civil Departments and in the Local Bodies, namely Municipalities and District Boards, are not eligible to receive temporary increase in their military pensions if during such re-employment they are in receipt of either dearness allowance or free rations and clothing, or any other concession in consideration of increased cost of living. Although military pensioners are required to render a certificate in regard to their re-employment/non-employment before each payment of their pensions, it has been brought to the notice of the State Government that instances occur where military pensioners do not report the fact of their re-employment deliberately or otherwise, resulting in over-payment of temporary increase in pension in certain cases.

The State Government consider, therefore, that where a military pensioner is re-employed under a State Government, etc., the employer should, as soon as it comes to his notice that the employee is a military pensioners, inform the Controller of Defence Accounts (Pesions), Allahabad, in respect of Army and Air Force Pensioners and the Controller of Defence Accounts (Navy), Bombay in respect of Naval Pensioners, of the particulars of the pensioner as given below :

Particulars of re-employed military pensioners :

- (a) Name of pensioner.
- (b) Place and chanel of payment of pension.
- (c) Treasury Serial/Head of office number allotted by the pension disbursing officer (this will generally be available in the pension certificate).
- (d) The date of re-employment.
- (e) Post in which re-employed.
- (f) Whether in receipt of either dearness allowance, or free rations and clothing or any other concession in consideration of the increased cost of living during the period of his re-employment.

[G.O. no. G-2—2489/X—18—1954, dated January 8, 1955].

527. Cancelled.

528. Cancelled.

528-A. Cancelled.

528-B. The pension of the heir of an Indian Military Officer or Non-Commissioned Officer or soldier, or the heir of the medical subordinate, will during employment in any Civil Department, merge in his salary.

Section IV—PENSION FOR NEW SERVICE

529. Except as provided in Articles 525 to 528-B, an officer who having been discharged with a Pension, is subsequently re-employed, may not count his new service for a separate pension. Pension (if any), is admissible only for the new service combined with the old, the whole being counted as one service.

530. If an officer who has obtained a Compensation or Invalid pension is re-employed in pensionable service and retains the pension (See Article 514), the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of pension shall not be greater than the difference between the value of pension that would be admissible at the time of the officer's final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

531. (a) If a gratuity received for the earlier service for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded.

(b) If the amount of such gratuity or the present value of such pension, plus the amount of the previous gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

531-A. For the purposes of Articles 530 and 531, the capital or present value of a pension shall be calculated in accordance with the table prescribed by the State Government under the Uttar Pradesh Civil Pensions (Commutation) Rules.

Section V—COMMERCIAL EMPLOYMENT AFTER RETIREMENT

531-B. (A) If a pensioner to whom this article applies wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the 'governor to such acceptance. No pension shall be payable to pensioner who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as the Governor may direct:

(b) This Article shall apply to every pensioner who immediately before retirement was a member of a Provincial Service, but shall not apply in relation to any commercial employment accepted by such pensioner before January 1, 1948.

* (c) In this Article, 'commercial employment' means employment in any capacity, including that of an agent, under a company, co-operative society, firm or individual engaged in commercial business and includes a directorship of such company and a partnership of such firm but does not include employment under a body corporate, owned or controlled by Government.

Explanation—(1) For the purpose of clause (a) of this article the expression 'date of retirement' in relation to a government servant re-employed after retirement, without any break, either in the same post or in any other post in a Provincial Service or in any other equivalent post under the Central Government or other state Government, shall mean the date on which such government servant ceases to be so re-employed in government service.

Explanation—(2) For the purpose of this article employment under a co-operative society shall include 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 a society.

Decisions of the State Government

1. Under Article 531-B of the Civil Service Regulations, if a pensioner, who was a member of a State (i.e. Provincial) Service immediately before retirement wishes to accept any commercial employment before the expiry of two years from the date of retirement, he is required to obtain the previous sanction of the Governor to such acceptance. Accordingly engineers retiring from the State (i.e. Provincial) Services are also required to obtain prior sanction of the Governor if they seek employment as contractors or under such contractors within two years of retirement.

2. It has been decided that the above principle should be adopted uniformly in respect of all engineers of gazetted rank and other gazetted officers employed in engineering department of the State Government, who, after retirement, seek employment as contractors for or in connection with the execution of public works (including Railway and Defence Works) or as employees of such contractors within two years of their retirement. Such permission within two years of an officer's retirement, will be given very rarely and only in special circumstances.

3. No person who is covered by these orders and has not obtained the necessary permission should be given any such contract and a condition as given in the enclosure should be incorporated in the form of contract.

4. As a further safeguard it has also been decided that at the time of sanctioning pension officers of the aforesaid categories should be required to sign an undertaking that they would not seek such employment within two years of retirement without prior permission of Government. In the case of non-pensionable officers, the officers should be required to sign a similar undertaking at the time of retirement.

"No person who has retired from government service as an engineer or gazetted officer employed on engineering or administrative duties in an engineering department or who has employed any such retired engineer or gazetted officer is entitled to tender for the notified work up to two years from the date of such retirement unless special permission of the Government has been obtained and is furnished by the Contractor along with his tender. If at any stage any contractor is found to have violated the aforesaid provision, his tender and the contract, if entered into with him, shall at the option of *.....be liable to immediate cancellation in which case his entire earnest money or the security deposit (as the case may be) shall stand forfeited to Government and the contractor shall have no right to any compensation, whatsoever, on account of the cancellation of his tender or contract."

Section VI—EMPLOYMENT UNDER A GOVERNMENT OUTSIDE INDIA AFTER RETIREMENT

531-C. (a) If a pensioner to whom this Article applies wishes to accept any employment under a Government outside India, he should obtain the previous sanction of the Governor to such acceptance. 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 Governor may direct.

Provided that Government servant permitted by the Governor to take up a particular form of employment under a 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.

(b) This article shall apply to every pensioner who immediately before retirement was a member of a Provincial Service, but shall not apply in relation to any employment referred to in clause (a) above accepted by such pensioners before January 1, 1950.

(c) For, the purposes of this article "employment under a Government out side India" shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

PART X

PROCEDURE RELATING TO PENSIONS CHAPTER XLVII— Applications for and Grant of Pension

Section I — General

905. (1) The rules in this Chapter apply to all officers under the rule making control of the State Government.

(2) Unless there is anything repugnant in the subject of contest, for the purposes of this Chapter "gratuity" means death-cum-retirement gratuity and includes service gratuity, if any.

†(3) Save for Article 909 and clauses (a), (b), (c), (e), (f), and (g) of Article 912 the term " head of Department" wherever used in this chapter or in any of the forms 25, 25-A, 26 and 26-A shall include, besides the authorities specified in Statement I of Part IV of Financial Handbook, Volume II, heads of all offices exercising jurisdiction in an area extending over a whole district or region comprising areas falling in more than one district.

906. (1) Every Head of the Department shall have a list prepared every six months i.e. on the 1st January and the 1st July each year of all gazetted and non-gazetted Government servants who are due to retire within the next 12 to 18 months of that date. A copy of every such list shall be supplied to the Audit Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year, In the case of persons retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement becomes known to him.

(2) The Head of the Department shall take steps at least one and a half year before the anticipated date of retirement of a Government servant so as to ensure that no Government dues remain outstanding against the Government servant by the time he retires.

907. Every Government servant shall submit a formal application for pension in Form 30. Gazetted Government servants shall send their applications direct to the Audit Officer and non-gazetted Government servants to the Head of Department. Every Government servant should submit his formal application for pension at least one and a half years in advance of the date of his anticipated retirement.

Provided that—

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

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

908. (1) A gazetted Government servant whose pay and allowances are drawn by the Head of Department on establishment bills shall be treated as a non-gazetted Government servant. Such government servant shall submit his application for pension to the Head of Department and the procedure laid down in Articles 914 to 919 (both inclusive) shall apply to him.

(2) In the case of a Government servant holding a lien or a suspended lien on a non-gazetted post and holding a gazetted post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Department on establishment bills, the Head of Department shall send the service book of the Government servant concerned to the Audit Officer at least one year in advance of the date of retirement of such Government servant or as soon as possible if such government servant is promoted to officiate in a gazetted post only during the last year of his service, after verifying that the certificate of verification relating to non-gazetted service has been recorded and that the service book is complete in all respects.

909. The State government, the Head of the Department or any authority competent to make appointment to the post substantively held by the retiring government servant and, in the case of sub-Inspectors and Inspectors of Police, also the Deputy Inspector General of Police (headquarter) shall be competent to sanction pension and gratuity. Such authority shall, after the consideration of the facts of the case and having due regard to the provisions of Article 470, record in Form 25-A his orders as to whether the service rendered by the Government servant has been satisfactory and is approved for the grant of the full pension or gratuity or both, admissible under the rules or whether the service so rendered has not been thoroughly satisfactory and what reduction should for that reason be made from the full pension or gratuity or both, admissible under the rules.

910. Should the amount of pension gratuity granted to an officer be afterwards found to be in excess of that to which he is entitled under the appropriate Rules and Regulations, he shall be called upon to refund such excess. For this purpose the officer concerned shall be served with a notice by the pension sanctioning authority requiring him to refund the excess payments within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice the pension sanctioning authority shall, where possible order that such excess payments shall be adjusted by short payments of pension in future, in one or more instalments, as the authority may direct.

note—For the purposes of this Article, a declaration in Form "A" below shall be obtained from the retiring officer by the Audit Officer or the pension sanctioning authority, as the case may be before the pension/gratuity and Death-cum-retirement gratuity are sanctioned. Similarly that authority shall obtain before sanctioning family pension, service gratuity, death-cum-retirement gratuity, a declaration in Form "B" below from such member of the family or legal heir or heirs of the deceased government servant or pensioner, as the case may be, as may under rules be entitled to get the same.

FORM "A"

(To be signed by the retiring government servant)

WHEREAS the.....(here state the designation of the officer sanctioning the pension/gratuity and death-cum-retirement gratuity) has consented to grant me the sum of Rs..... per month as the amount of my pension with effect from..... and the sum of Rs.....as the amount of my gratuity, death-cum-retirement gratuity, I hereby acknowledge that in accepting the said amount(s) I fully understand that the pension/gratuity and death-cum-retirement gratuity, is subject to revision on the same being found to be in excess of that to which I am entitled under the Rules, and I promise to base no objection to such revision. I further promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.

Signature of the Government servant.

1. Signature

Address and occupation of witness.

2. Signature

Address and occupation of witness.

The declaration should be witnessed by two persons of respectability in the town, village or pargana in which the applicant resides.

FORM "B"

(To be signed by the legal heir or member of the family of the deceased government servant)

WHEREAS the.....(here state the designation of the officer sanctioning the family pension/death-cum-retirement gratuity arrears of pension or service gratuity) has consented to grant me the sum of Rs.being the amount of family pension due to me and or the sum of Rs.being the amount of death-cum-retirement gratuity/arrears of pension or service gratuity due to Sri/Srimati/Kumari.....(here give the name and designation of the deceased Government servant), I hereby acknowledge that in accepting the amount(s) indicated above, I fully understand that the family pension due to me and death-cum-retirement gratuity/arrears of pension or service gratuity due to late Sri/srimati/Kumari.....is subject to revision on the same being found to be in excess of that to which I am entitled under the rule, and I promise to base no objection to such revision. I further promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.

Signature of the beneficiary.

1. Signature

Address and occupation of witness.

2. Signature

Address and occupation of witness.

(i) Separate declarations should be filled in by each beneficiary.

(ii) Declaration should be witnessed by two persons of respectability in the town, village or pargana in which the applicant resides.

SECTION II—Gazetted Government Servants

911. The Audit Officer shall undertake the work of preparing pension papers in Form 25 one and a half 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 or, where the date of retirement cannot be foreseen one and a half years in advance, immediately upon being notified by the appropriate pension sanctioning authority about the date of retirement which shall be done by the latter as soon as the said date has been settled. In the event of a Government servant applying for invalid pension the medical certificate submitted under Article 442 shall also be forwarded to the Audit Officer. The preparation of pension papers as above shall not be delayed till the Government servant has actually submitted his formal application for pension.

912. (a) The audit Officer shall send to every gazetted Government servant, under intimation to the Head of the Department, or where the retiring Government servant is himself the Head of the Department, to the Administrative Department concerned of Government, a copy of Form 30 (formal Application for Pension) one and a half years in advance of the date on which the Government servant attains the age of superannuation or before the date of is anticipated retirement, if earlier, or immediately upon being notified in the case of an application for invalid pension, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but, where feasible in no case later than the actual date of retirement. The Audit Officer shall also draw attention of the retiring Government servant to the provisions of article 930.

(b) On receipt of a copy of formal application for pension from the Audit Officer, the retiring Government servant shall return it duly completed to the Audit Officer within the period mentioned in clause (a) under intimation to the Head of the Department or the administrative Department of Government, as the case may be.

(c) (i) On receipt of the intimation from the Audit Officer, the head of the Department or the Administrative Department of Government, as the case may be, shall communicate the orders of the authority sanctioning the pension to the Audit Officer in Form 25A within a period of four months from the date of receipt of intimation but where feasible in no case later than the date of retirement of the Government servant.

Note—In cases in which the character roll of the government servant is maintained at the headquarters of Governments the pension sanctioning authority shall, before recording his orders in Form 25-A obtain a certificate from the Secretary to Government in the appropriate Department as to the satisfactory nature of the service of the Government servant concerned. It shall be

incumbent on such Secretary to Government, when asked therefor, to furnish the required certificate with utmost dispatch and in any case within two months of the demand therefor made by the pension sanctioning authority. If there is any development thereafter which might affect the pension the fact shall be promptly communicated to the pension sanctioning authority.

(ii) If the orders of the authority sanctioning the pension are not received by the audit Officer within the period mentioned in sub-clause (i), he shall assume that the retiring government servant has been allowed full pension or gratuity or both as admissible under the rules.

(iii) If after the communication of the order of sanction to the audit Officer any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the authority sanctioning the pension. In case no such event has occurred a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the government servant after the despatch of Form 25-A mentioned in sub-clause (i) shall be forwarded to the audit Officer within a week of the date on which the Government servant retires.

(d) The details of any Government dues outstanding against the government servant and the steps taken to safeguard the interest of the Government in this behalf shall also be communicated by the Head of Department to the Audit Officer at least 14 days before the date of retirement of the Government servant.

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

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

(f) As soon as the pension and gratuity are finally assessed by the audit Officer and the pension is payable in his circle of Audit, he shall prepare pension payment order after taking into account the orders of pension sanctioning authority and the audit endorsement on the third page of Form 25, but shall not issue the said order more than a fortnight in advance of the date on which the Government servant is due to retire. The fact of issue of Pension Payment Order shall be promptly reported to the pension sanctioning authority. If the payment of pension is desired in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of the circle for arranging payment at the Treasury concerned.

(g) In preparing the pension payment order or authority the Audit Officer, where necessary, shall—

(i) recover out of the Death-cum-retirement gratuity, an amount equal to two months' emoluments representing the Government servant's contribution towards the New Family Pension Scheme, 1965; and

(ii) take appropriate action for the recovery and adjustment of Government dues as provided in section IV.

913. (a) When a Government servant whose pension is payable in India is likely to retire before his pension can be finally assessed and settled in accordance with the provisions of this Chapter, the Audit Officer shall authorise the disbursement of pension to which, after the most careful

summary investigation that he can make without delay, he believes the Government servant to be entitled provided that such disbursement shall be made only after the declaration specified hereinafter has been signed by the retiring Government servant. If the payment of pension is desired in another circle of audit, the Audit Officer shall send a copy of the order to the Audit Officer of that circle for issuing necessary instructions to the Treasury Officer concerned for disbursement of the pension.

Declaration

"Whereas the (here state the designation of the officer sanctioning the advance) has consented provisionally to advance to me the sum of Rs. a month, in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension, I hereby acknowledge that in accepting this advance, I fully understand that my pension is subject to revision on the completion of the necessary formal enquiries, and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled."

(b) When a Government servant whose pension is payable in England is likely to retire before his pension can be finally assessed and settled, the Audit Officer shall, after the most careful summary investigation that he can make without delay, report to the High Commissioner for India in the United Kingdom, through the authority competent to sanction the pension, the minimum amount to which he believes the Government servant to be entitled. The High Commissioner shall then, on receiving from the officer a declaration similar to that referred to in clause (a), authorise the immediate disbursement of the amount reported or such smaller amount as may be deemed proper.

(c) The disbursement of pension under clause (a) or clause (b) shall be subject to revision on the completion of the detailed investigation and enquiries, if any. If the amount of pension granted to a Government servant under clause (a) or clause (b) be afterwards found to be in excess of that to which he is entitled under the Regulations, the difference shall be adjusted by short payment of pension payable in future.

(d) Subject to the provisions of clause (a) the Audit Officer may also sanction the disbursement of not more than three-fourths of the amount of Death-cum-retirement gratuity and/or of service gratuity where the latter instead of a pension is found admissible.

Provided that if the amount of service gratuity so paid proves to be larger than the amount finally assessed the excess amount may be adjusted out of the balance of the D.C.R. gratuity, where possible.

Provided further, that if the amount of Death-cum-retirement gratuity so paid proves to be larger than the amount finally assessed, the excess amount shall be adjusted in the same manner as laid down in clause (c), where possible.

(e) The Provisions of clause (g) of Article 912 shall also apply to the disbursement of pension/and/or gratuity under this article.

SECTION III—Non-Gazetted Government Servants

914. (1) Every Head of Department shall undertake the work of preparing pension papers one and a half 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, or where the date of retirement cannot be foreseen one and a half years in advance, immediately after the date of retirement is, settled. This work shall not be delayed till the Government servant has actually submitted the formal application for pension.

(2) The Head of Department shall send to every non-gazetted Government servant a copy of Form 30 (Formal Application for pension) one and a half years in advance of the date on which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier, or, in the case of an invalid pension, immediately upon receipt of a medical certificate under Article 442, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but where feasible in no case later than the actual date of retirement. The Head of Department shall also draw attention of the retiring Government servant to the provisions of Article 930.

Explanation—In this Article and in Articles 915 to 919 (both inclusive) the expression "Government Servant" means a non-gazetted Government servant including a gazetted Government servant referred to in clause (i) of Article 908.

915. As a first step the Head of Department shall prepare a statement of applicant's service in the second page of Form 25 and thereafter proceed as follows—

(a) he shall go through the service book or the service roll, if any, and satisfy himself as to whether the annual certificated of verification for the entire service are recorded therein. In respect of the unverified portion or portions of service, he shall arrange to verify it or them, as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record the necessary certificated in the service book or service roll, as the case may be;

(b) if the service for any period is not capable of being verified in the manner specified in clause (a), that period of service having been rendered by the government servant in another office or department, a reference shall be made to the Head of that office, or as the case may be, of that department in which the officer is shown to have served during that period for the purposes of verification;

(c) if any portion of service rendered by a Government servant is not capable of being verified in the manner specified in clauses (a) and (b) the Government servant shall file a written statement on plain paper stating that he had in fact rendered that period of service and shall, at the foot of the statement make and subscribe to a declaration as to the truth of that statement and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish. The authority competent to sanction pension to that Government servant shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service, if satisfied, admit that portion of service as having been rendered for the purposes of calculating the pension of that Government servant.

916. After completing the service statement mentioned in article 915, the Head of Department shall complete the first page of Form 25. This should be done irrespective of the fact whether a formal application for pension has been received from the Government servant or not. If at such time the said formal application from the Government servant has not been received, the relevant columns in the first page of Form 25 shall be left unfilled. The relevant entries shall be made soon after the said formal application is received.

917. After complying with the requirements of article 916, the Head of Department shall proceed as follows:—

(i) he shall certify in Form 25-A as to whether the character, conduct and past service of the applicant are such as to entitle him to the favourable consideration of the authority sanctioning the pension. He shall also record therein his own opinion as to whether the service claimed has been established and should be admitted or not. All periods of leave, shall to pension, etc., which are not reckoned as service should be carefully recorded in section III of second page of Form 25. If the application is for an invalid pension, the requisite medical certificate shall be attached;

(ii) after obtaining the orders of the pension sanctioning authority in Form no. 25-A, the Head of Department shall send Forms 25 and 25-A, in original to the Audit Officer, with a covering letter in Form 26, along with the Government servant's service book or service roll, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed, in such a manner that they can be conveniently consulted. He shall retain one copy of each of the above forms for his office record. In cases where payment is desired in another all forms for his office record. In cases where payment is desired in another also audit circle, Forms 25 and 25-A, shall be sent to the Audit Officer in duplicate.

918. (a) If after the pension papers have been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admission the fact shall be promptly reported to the Audit Officer by the Authority sanctioning the pension.

(b) In cases where the pension papers have been sent to the Audit Officer before the actual date of retirement of the Government servant, a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting service by the authority sanctioning the pension to the date of actual retirement together with a copy of the order specifying the actual date of his retirement, shall be forwarded, to the Audit Officer within a week from the date on which he retired. At the same time details of any Government dues outstanding against the Government servant, and the steps taken to safeguard the interest of the Government in this behalf shall also be intimated to the Audit Officer.

919. (1) After the pension papers have been sent to the Audit Officer, the Head of Department shall draw provisional pension not exceeding the maximum pension in the event of a pension being admissible, or provisional service gratuity not exceeding the three-fourths of the maximum gratuity where only a service gratuity is admissible, and three-fourths of the Death-cum-retirement gratuity where admissible as indicated by him against item 13 of Form 25 for each pensioner separately at the Treasury at which the pay and allowance are drawn by him and arranged to disburse the pension and gratuity on the first day of the month following the month in which the officer retires from service under intimation to Audit Officer:

Provided that such disbursement shall be made only after the declaration specified hereinafter has been signed by the retiring Government servant. If the pensioner desires payment through Money Order or Bank draft at the place where he is residing the provisional pension, not service or Death-cum-retirement gratuity, shall be remitted to him through money order or Bank-Draft at his cost. The payment of such Provisional Pension shall continue only for a period of twelve month from the date of retirement of the Government servant unless the period is extended by the Audit Officer under Article 920. The pension and gratuity disbursed in the above manner shall be subject to adjustment being made before issue of final authority by the Audit Officer.

Declaration

(To be signed by the retiring Government servant)

Whereas the (here state the designation of the officer sanctioning the pension gratuity and death-cum-retirement gratuity), has consented to grant me provisionally the sum of Rs.....per month as the amount of my pension with effect from.....and the sum of Rs.as three fourths, part of the amount of my gratuity death-cum-retirement gratuity, I hereby acknowledge that in accepting the said provisional amounts (s), I fully understand that the said pension gratuity and death-cum-retirement gratuity is provisional and subject to revision on the same being found to be in excess of that to which I am entitled under the rules, and I promise to base no objection to such revision. I further promise to refund any amount paid to me in excess, of that to which I may be eventually found entitled.

Signature of the Government servant

1. Signature.....

Address and occupation of witness.....

2. Signature.....

Address and occupation of witness.....

The declaration should be witnessed by two persons of respectability in the town, village or pargana in which the applicant resides.

(2) The Head of Department where necessary shall:—

(a) recover out of the gratuity, an amount equal to two months emoluments representing the Government servant's contribution towards the New Family Pension Scheme, 1965; and

(b) take appropriate action for the recovery and adjustment of Government dues as provided in section IV.

(3) It is open to the Government servant to receive the payment of the balance of the one-fourth of the death-cum-retirement gratuity either from the Treasury from which payment of final pension/service gratuity is desired by him or from the Head of Department. If the Government servant desires to receive the payment of the balance of the gratuity from the Head of Department he shall communicate his option in this behalf to the Head of Department, before proceeding on retirement. The Head of Department shall, in such a case, take necessary steps to draw and disburse the gratuity only after the Audit Officer has issued the necessary authority.

(4) The Head of Department shall issue a sanction letter, endorsing a copy thereof to the Audit Officer, indicating the amount of provisional pension/three-fourths of service gratuity and the three-fourths of the death-cum-retirement gratuity payable to the Government servant on retirement from service. He shall also indicate in the sanction letter the amount to be recovered out of the death-cum-retirement gratuity. After issue of the sanction letter, he shall take necessary steps to draw and disburse the provisional pension/service gratuity and death-cum-retirement gratuity. As soon as the provisional payments of pension and gratuity have been completed, the Head of Department shall inform the Audit Officer of the particulars of the aforesaid payments actually made by him.

920 (1) If the Audit Officer is unable to assess the amount of final pension and gratuity within a period of twelve months of the date of retirement of the Government servant, he shall communicate the fact to the Head of Department under intimation to the Treasury Officer concerned, and authorise him to continue to disburse the provisional pension to the pensioner concerned for such period as may be specified by the Audit officer.

[The amendment takes effect from June 11, 1975].

(2) If the payment of the balance of the death-cum-retirement gratuity is desired to be made from the Treasury or sub-treasury from where the final pension/service gratuity is to be drawn, the Audit officer shall authorise the payment of the death-cum-retirement gratuity after adjusting the amount outstanding against the retired Government servant. If the Government servant has opted for receiving the payment of the balance of the gratuity from the Head of Department, the Audit Officer shall issue the necessary authority in this behalf under intimation to the Government servant and the Treasury officer indicating the amount, if any, which the Head of Department shall adjust before making payment to the Government servant.

(3) The fact of the issue of the Pension payment Order for the payment of the balance of the gratuity shall be promptly reported to the head of Department and the pension papers which are no longer necessary shall be returned to him.

(4) The adjustment of provisional pension and gratuity drawn and disbursed by the Head of Department shall be made by the Audit Officer in whose circle the provisional payments were made.

(5) If the Audit officer is unable to assess the amount of final pension and gratuity within a period of six months of the date of retirement of the Government servant, he shall communicate the fact to the head of Department under intimation to the Treasury Officer concerned, and authorise him to continue to disburse the provisional pension to the pensioner concerned for such period as may be specified by the Audit officer.

(6) The Audit Officer may authorise the payment of the balance of the death-cum-retirement gratuity even during the period of the currency of the provisional pension provided that the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the Government servant.

(7) If the pension and the balance of the gratuity are to be paid in another circle of audit, the Audit Officer shall send a copy of each of Form 25 and Form 25-A along with his audit encasement, and the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the pension Payment order and an order for the payment of balance of gratuity and take further action as indicated in clause (1).

(8) If the amount of provisional pension/service gratuity drawn and disbursed by the Head of Department is found to be in excess of the final pension/service gratuity assessed by the audit Officer, it shall be open to the Audit Officer to adjust the excess amount out of the balance of the death-cum-retirement gratuity, if any, or recover the excess amount by short payment of pension payable in future.

(9) If the amount of the death-cum-retirement gratuity authorised by the head of Department, proves to be larger than the amount finally assessed by the Audit Officer, the excess amount shall be adjusted in the same manner as laid down in clause (8) where possible.

921. The Audit Officer shall record briefly on the second page of Form 25 his reasons for disallowing any service claimed. Any other disallowance shall be recorded in the audit encasement on the third page of Form 25 with reasons therefor.

SECTION IV—GOVERNMENT DUES AND SANCTIONING PENSION

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

(2) where a retiring Government servant does not so clear Government dues and these are ascertainable, an equivalent cash deposit may be taken from him, if he is unable or unwilling to do so an amount up to that recoverable on account of ascertainable government dues may, where possible, be recovered out of the death-cum-retirement gratuity.

923. (1) If any of the Government dues remain unrealized and unassessed for any reason, the retiring government servant may be asked to furnish a surety of a suitable permanent Government servant in Form 26-A. If the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.

(2) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him, or, such portion of the death-cum-retirement gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted. the cash deposit to be taken or the amount of gratuity to be withheld shall not in such cases, exceed the estimated amount of the outstanding dues plus 25 per cent thereof.

(3) In Cases where it is not possible to estimate the approximate amount recoverable from the retiring Government servant, and the dues do not relate to shortages of stocks or suspected misappropriation or embezzlement of public funds, the amount of the deposit to be taken or the portion of death-cum-retirement gratuity to be withheld, shall be limited to 10 per cent of the gratuity or Rs. 1,000 whichever is less.

(4) In cases where it is not possible to estimate the approximate amount recoverable from the retiring government servant, and the dues relate to shortages of stocks or suspected misappropriation or embezzlement of public funds, the entire amount of the death-cum-retirement gratuity shall be held over till the amount to be recovered is determined and orders are issued for its recovery where the same is possible under the law, and a decision is taken under Article 470 whether the gratuity shall be paid in full or reduced by any portion.

(5) Efforts shall be made to assess and adjust or recover the recoverable Government dues within a period not exceeding one year from the date of retirement of the Government servant concerned. If no claim is made on Government account against the government servant within this period, in all cases other than those where the dues relate to shortages of stocks or, suspected misappropriation or embezzlement of public funds, the surety or the cash deposit, as the case may be, taken under clause (2) or clause (3) or where such is the case the withheld portion of the death-cum-retirement gratuity shall be released after recovering or adjusting to whatever extent possible the Government dues as assessed up to that time.

NOTE—In respect of dues Pertaining to the occupation of Government accommodation by the Government servant the period of one year shall reckon from the date of retirement or from the date of complete vacation of the Government accommodation whichever is later.

(6) Government dues which remain unrealized under the foregoing procedure and all other dues the claim for which may be received after the period envisaged therein, shall, however, be recoverable from the pensioner.

CHAPTER XLVIII—Payment of Pensions

Section I—GENERAL RULES

930. Apart from special orders, a pension, other than a Wound or extraordinary pension under the Uttar Pradesh Civil Services (Extraordinary Pension) Rules, is payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The rule may be relaxed, in this particular, by the authority sanctioning the pension when the delay is sufficiently explained.

1. The pension of an officer who under Article 436, has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.

Decisions of the State Government

Under Article 907 read with Articles 911, 914, 917 (a) (ii) and 930 a pension is to be sanctioned only on receipt of a formal application* from the government servant concerned. In spite of the specific provisions of Article 907, according to which formal application for pension has to be made one year† in advance of the date of actual or anticipated retirement, cases have occurred in which government servants have died shortly after retirement without having formally applied for pension. It has been decided that in such cases the authority competent to sanction a pension to the deceased government servant, had he made a formal application before death, may relax the provisions of the articles referred to above, and sanction pension and/or gratuity to the government servant from the date of retirement up to and inclusive of the date of his death as if he had made a formal application for the same before retirement, provided that the time-lag between retirement and death does not exceed six months, cases in which the time-lag exceeds six month should be referred to Government for decision. A pension and/or gratuity sanctioned in accordance with this order may be paid to the heirs of the deceased in accordance with the existing provisions of the rules.

[Finance Department G.O.G-II-3686/X—924-1955, dated November 18, 1959].

Decisions of the Government of India

(1) An officer who has taken leave without pay in the hope of being able to resume duty and who subsequently decides that his health will not permit of his return should not be regarded as entitled to pension from the commencement of his leave without pay.

[Government of India, Finance Department no. 807-CSR, dated July 22, 1915].

(2) When the leave without pay has been granted at an officer's own request and for his own advantage the retirement under the pre-mature retirement rules should not take effect from a date which involves the cancellation of such leave.

[Government of India, Finance Department no. F/209-CSR-25, dated July 6, 1925.]

931. The preceding article applies to ordinary, not to special cases. If under special circumstances, a pension is granted long after an officer has retired, retrospective effect should not be given to it without the special orders of the Government which granted it; in the absence of special orders such a pension takes effect only from the date of sanction.

932. Not printed.

933. Cancelled.

933-A. Deleted.

934. Except where specifically otherwise provided, all pensions shall be payable in rupees in India:

Provided that, in the case of a non-Indian officer who entered service before the 10th September, 1949 and who on retirement takes up his residence in the United Kingdom or in any of the territories mentioned in Appendix 15, payment of pension, but not other retirement benefits such as death-cum-retirement gratuity and family pension admissible under the U.P. Liberalised Pension Rules, 1961 and Government contribution to the contributory Provident-cum-Pension Fund may be made in sterling through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix 15, for the period of such residence at the minimum rate of conversion of is 9d, to the rupee :

Provided further that Indian pensioners who retired from service before the 12th June, 1956 and who before that date took up residence in the United Kingdom or in any of the territories mentioned in Appendix 15 shall continue to enjoy the concession of conversion of their pensions into sterling at the minimum rate of is 9d. to the rupee during the continuance of their residence in the United Kingdom or those territories, as the case may be :

Provided further that the minimum rate of conversion of is 9d. to the rupee shall not apply to those territories included in Appendix 15, where the Indian rupee is either legal or current tender of whose currency is at par with the Indian rupee.

Explanation.—For the purposes of this Article and Articles 934-A, 934-B, 934-C, 934-D and 935 the expression “non-Indian” means a person who on the date of his retirement was a citizen of a country other than India.

934-A. A non-Indian pensioner who entered service before the 10th September, 1949 and who has been residing in India and who proceeds to a place outside India with the object of taking up residence there, shall be entitled to convert his pension at the minimum rate only from the date when he quits India.

934-B. A non-Indian pensioner who entered service before the 10th September, 1949 and who within six months of his retirement leaves India with the object of taking up residence elsewhere shall be entitled to convert his pension at the minimum rate from the date to which it has been paid in India or, If no payment has been made there, from the date of its commencement.

934-C. A non-Indian pensioner who entered service before the 10th September, 1949 and who has been allowed to convert his pension at the minimum rate and who returns to India and continues to draw his pension through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix 15, shall be allowed the benefit of the minimum rate of six months from the date of such return.

934-D. The pension of any non-Indian pensioner, who entered service before the 10th September, 1949 and who is entitled to the minimum rate and has commuted any portion of his pension after the 4th December, 1928, shall be converted at the rate of exchange prescribed by the Government of India and to the resulting pension shall be added, so long as he remains entitled to the minimum rate, the difference between the values of the full pension (less any portion commuted before the 5th December, 1928) converted at that rate and at the rate of exchange prescribed by the Government of India respectively.

935. The minimum rate shall apply to gratuities paid to non-Indian officers who entered service before the 10th September, 1949 residing outside India, but where the service of an officer to whom a gratuity granted terminates in India, his gratuity shall be paid in India.

Transfers between England and India

936. Transfer of pension from India to the United Kingdom (where it is payable through the High Commissioner for India) and vice versa is permitted twice only.

937. Application for transfer of payment from India to the Home treasury should be made to the Accountant General within whose jurisdiction the treasury of payment is, who will grant a last pay certificate, forwarding a duplicate, with a copy of the first page of the application upon which the pension was originally granted, to the High Commissioner for India.

Section II-PAYMENT IN INDIA

* 938. Deleted.

939. The Accountant General of the State in which payment is to be made will then communicate to the officer who is to pay the pension authority to make the payment; in the case of a pension, such authority will be a Pension Payment Order in Form 27 or 28 or (in the case of Presidency payments) Forms 27-I or 28-A.

NOTE 1. Not printed.

NOTE 2. Each pension payment order will be accompanied by Form 27-a intended to be delivered by the Disbursing Officer to the pensioner concerned for use as a wallet for the pensioner's half of the pension payment order.

Procedure in Paying

940. A gratuity is paid in single sum, and not by instalments, on receipt of the Accountant General's authority.

941. (a) A gratuity may, at the discretion of the State Government or with the sanction of the State Government on the application of the recipient, be converted either into a life annuity, or into a temporary life annuity, or into annuity payable for a fixed number of years with remainder to the

annuitant's heirs in case of his death. The amount of the life annuity will be determined by the table prescribed by the State Government under the Uttar Pradesh Civil Pensions (Commutation) Rules, while that of the temporary life annuity will be determined in each case in consultation with the Actuary to the Government of India on the assumption of the same rates of interest and mortality on which the table prescribed by the State Government under the Uttar Pradesh Civil Pensions (commutation) Rules is based.

(b) Deleted.

942. The State Government will never insist on the conversion of a gratuity into an annuity, unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

943. A pension is payable in India monthly on and after the first day of the following month under the following rules :

Rules—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 both of pensioner's half and of the disbursing officer's half of the Pension Payment Order, both entries being attested at the time of payment by the signature of the disbursing officer.

3. With reference to Articles 956 and 957, a pension should, under no circumstances, be paid for the first time in arrears for more than one year without special orders of the State Government.

NOTE—The State Government may delegate its powers under this Rule to Commissioners of Divisions and to such other officers as it may desire.

4. A pension is payable for the day on which the pensioner dies.

5. In regard to the liability of pensions to attachment by a Civil Court, See section II of Act XXIII of 1871, which runs as follows :

Section 11. "No pension granted or continued by 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 British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court."

Identification of Pensioners

944. As a rule a pensioner must take payment in person after identification by comparison with the Pension Payment Order.

NOTE—Not printed.

945. A pensioner specially exempted by the State Government from personal appearance, a female pensioner not accustomed to appear in public, or a male pensioner who is unable to appear in consequence of bodily illness or infirmity, may receive his or her pension upon the production

of a life certificate signed by a responsible officer of Government or by some other well known and trust-worthy person.

Note 1.—The power to grant exemption under this article from personal appearance to draw pension may be delegated by a State Government to any officer of not lower rank than Collector of a district.

Note 2.—The State Government have delegated to collectors of districts the power to grant exemption under this article from personal appearance to draw pension.

946. A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the criminal Procedure Code (Act V Of 1898), or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 (XVI of 1908) or by any pensioned officer who before retirement, exercised the powers of a Magistrate, or by any Gazetted Officer, or by a Munsif, or by a Deputy Inspector of Schools, or by a Police Officer not below the rank of sub-Inspector-in-Charge of a Police Station, or in respect of pension not exceeding Rs. 50 per mensem, by a Post Master, a Departmental Sub-Post Master, or an Inspector of Post Offices, is exempted from personal appearance.

Note—For purposes of the above article, the life certificate granted by a patwari in the hill areas of the districts of Naini Tal, Almora, Garhwal, Tehri-Garhwal, Chamoli, Pithoragarh and Uttar Kashi, who also exercises the powers of a police officer in his circle, to pensioners residing in these areas may be accepted as adequate, provided that the signatures of the patwari is known to the treasury.

Decisions of the State Government

An Agent of the State Bank of India is not a Government Servant and his appointment is not Gazetted by Government and accordingly he is not empowered to sign Life Certificates under article 946, Civil Service regulations, except in the case of his constituents whose pensions are drawn by him.

[Finance Department G. O. no. 1219/X-13, Dated the 24th March, 1905].

947. (a) In all cases referred to in Articles 945 and 946, 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.

* (b) For this purpose he should (save in cases of exemption from personal appearance granted by the State Government) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.

1. The disbursing officer is personally responsible for any payment wrongly made. In case of doubt, he should consult the Accountant General.

2. A pensioner of rank may be privately identified by the disbursing officer and need not be required to appear at a public office.

Decisions of the State Government

It is not considered that any useful purpose will be served by attempting at a definition of the term 'Pension of Rank' Government, therefore, prefer to deal of merits with each claim when it arises, and when the local officers, for good and sufficient reasons, have expressed doubts. The question is for the district Officers to decide in the first instance.

[Finance Department G. O. no. A-785/X-114, dated November 10, 1932.]

948. Payment of pensions to Police pensioners are made in accordance with the rules in this section, but if the disbursing officer entertains any doubt as to the identity of such a pensioner, he may require the local Inspector of Police to identify him. The Inspector would then be responsible for the correct identification of the pensioner.

Payment to Agents

"949. (a) A pensioner not resident in India may with the permission of the reserve bank of India draw his pension in India through a duly authorised agent possessing a legally valid power of attorney, who must produce on each occasion a certificate by a magistrate a Notary, a Banker or a Minister of religion that the pensioner was alive on the date to which his pension is claimed unless the duly authorised agent has executed an indemnity bond to refund overpayments in which case he has to produce the life certificate at least once a year.

(b) A pensioner of any description resident in India is exempted from personal appearance if he draws his pension through a duly authorised agent approved by the State government, who must execute an indemnity bond to refund over payments and produce at least once a year a life certificate signed by any of the persons authorised by Article 946 to sign such certificates.

(c) the Pension of an officer drawing his pension through an agent who has executed a bond to refund overpayments 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 Accountant general 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."

(The amendment takes effect from the date of publication in the U. P. Gazette, Viz. January 15, 1977).

Transfers in India

950. A State Government or an Accountant General may, on application and on sufficient cause being shown, permit transfer of payment from one treasury in India to another. This jurisdiction may be delegated by the State Government to any Executive authority not lower than the Collector or other District Officer.

951. (a) A copy of any order issued by a State Government or other Executive authority under the preceding article should be forwarded to the Accountant General, and the Collector of the District from which the payment is to be transferred should be instructed to return his half of the Pension Payment Order.

(b) The Accountant General will then either issue a new payment order, or enface the payment order for payment at the new treasury and forward it to the Treasury Officer who will in future pay the pension, or if the treasury is in another State will move the Accountant General of that State to do so.

952. A Treasury Officer may authorise payment in any of the outlying 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 subordinate treasury to the district treasury, or from one subordinate treasury to another in the same District.

Certificate of non-employment

953. (a) a pensioner drawing pension in India is required to append to his bill a certificate as follows :—

I declare that I have not received any remuneration for serving in any capacity, either under Government or under a Local Fund, during the period for which the amount of pension claimed in this bill is due.

(b) In the case of a pensioner permitted under Chapter XXI to draw pension after re-employment, this certificate should be modified according to the facts.

(c) In the case of a pensioner drawing his pension through an agent, who has executed a bond of indemnity, as required by Article 42 of the Civil Account Code, 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 or which pension has been drawn on the basis of the agent's certificates.

Renewal of Pension Payment Order

954. 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.

955. 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 a strict observance of Rule 2 under Article 943. The necessary note should be made in remarks column of the register in Form 39, Civil Account Code.*

Lapses and forfeitures

956. If a pension payable in India remains undrawn for more than one years, the pension ceases to be payable.

957. If the pensioner afterwards appears, the disbursing officer may renew his payments. But the arrears cannot be paid if the pension in arrears is to paid for the first time or if the amount of arrears exceeds Rs. 1,000 without the previous sanction of the authority by whom the pension was sanctioned to be obtained through the Account General.

Note—In Case where the pension is sanctioned by the State Government it may delegate its powers under this Article to Heads of Departments or other subordinate authorities.

Decisions of the State Government

Delegation of Powers by the State Government to all Heads of Departments. The State Government have delegated the powers, vested in them by Article 960, Civil Service Regulation, of sanctioning payment to the legal heirs of a deceased pensioner, of any excess over Rs. 500 on

account of arrears of pensions without the production of the usual legal authority, to the heads of departments subject to the conditions laid down in the above Article.

[Finance Department G.O. No. M-1135/X-379, dated the 13th June, 1938.]

(2) Payment of arrears of pension extending beyond one year in respect of Gurkha pensions. The State Government have delegated to :

1. The Collector of Gorakhpur ;
2. The Deputy Commissioner of Gonda and Bahraich ;
3. The Deputy Commissioner of Almora, and the Sub-Divisional Officer, Pithoragarh, District Almora ;

The power to sanction, without reference to the Accountant General, Uttar Pradesh, the payment of arrears of pensions, extending beyond a period of one year in respect of Gurkha Pensions of the Military police of the Government of Assam, who draw their pensions from the treasury/treasuries/sub-treasuries at Gorakhpur/Gonda and Bahraich/Almora and Pithoragarh.

[Finance Department G.O. No. M-11655/X-429, dated 28th July, 1937.]

(3) Pensions not drawn regularly may only be disbursed by Treasury Officer on his own authority if the period which elapsed since the last drawal does not exceed one year. If the said period exceeds one year but does not exceed two years, the sanction the District Officer is required ; if it exceeds two years but does not exceed six years, the sanction of the Commissioner is required ; and if it exceeds six years the sanction of the Government is required.

NOTE 1—In case of Malikana allowances the District Officer can sanction arrears up to 3 years above which cases should be referred to the Government.

NOTE 2—The pension Payment Order of political pensioners need not be returned to the Accountant General, Uttar Pradesh as required by Article 956 of the Civil Service Regulations.

[The above orders have been reproduced from the A. G.'s Manual.]

958. If the suspension of payment is attributable to error or neglect by any public officer, the Accountant General may Direct payment of the arrears without taking the orders of the Government.

Deceased Pensioners

959. (a) On the death of a pensioner, payment of any arrears actually due may be made to his heirs, provided that they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant General.

NOTE—In cases where the pension is sanctioned by the State Government, it may delegate its powers under this Article to Heads of Departments or other subordinate authorities.

(b) But if the arrears do not exceed Rs. 100 and the case presents no peculiar feature, the Accountant General is empowered to pass the arrears on his own authority.

(c) After payment of the arrears of pension, the Pension Payment Order should be returned to the Accountant General with a report of the date of the death of the pensioner.

Decisions of the Local Government

The Local Government have delegated the power to sanction payment of arrears of pensions under Articles 943(3), 957 and 959(a) of the Civil Service Regulations, to the Collector of the District in which the pension is payable, who may, where it seems necessary, make a reference to the authority by whom the pension was sanctioned.

*960. Subject to the provisions of the preceding Article, the arrears of pension of a deceased pensioner may be paid to the heirs of the deceased, without the production of the usual authority, to the extent of Rs. 1,200 under the orders of the Collector or other officer responsible for the payment, after such enquiry into the rights and title of the claimants as may be deemed sufficient. Any excess above Rs. 1,200 may similarly be paid under the orders of the head of the Department on execution of an indemnity bond, with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration.

In any case of doubt payment should be made only to the person producing legal authority.

961. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything in respect of his pension.

Section III—PAYMENT IN ENGLAND

962. When a pension is granted to an officer who desires that payment thereof from the date of its commencement should be made at the Home treasury, the Audit Officer who audits the pay of the officer should, on receipt of sanction to the grant of pension, issue a last pay certificate and forward to the High Commissioner for India a duplicate thereof, together with a copy of the 1st page of the application for pension and of the order of the State Government or other authority granting the pension. The forwarding letter should always request that payment be made from some specific date, the date being ascertained from the last pay certificate.

963. If the pension is not wholly chargeable against the general Revenues care must be taken to state in the certificate how it is to be charged.

964. The annuities and pension of all officers are issued at the Home treasury monthly in arrear on the 16th day of each calendar month.

They are made up to the following quarterly dates, viz., to the 15th March, 15th June, 15th September and 15th December, and they are paid in monthly instalments, the first two instalments in each quarter being the net amount accrued, omitting shillings and pence, and the third instalment being the balance due for the quarter.

965. Intimation of any revision of a pension paid at the Home treasury should be made to the High Commissioner for India, so as to reach him before the pensioner is informed.

Section IV—PAYMENT IN COLONY

966. The pension of a pensioner residing in any colony named in Appendix XV may be paid there, provided he is entitled to receive payments of pension in the colony under Articles 934.

Issue of Warrant

967. The authority for payment of a pension in a Colony shall be a Warrant in Form 29 to be issued by the accountant general of the State to the cadre of which the retiring officer belongs.

968. Cancelled.

969. Cancelled.

970. Every Warrant shall be issued in triplicate. The original, bearing the payee's signature, should be forwarded to the colonial authority concerned, the duplicate to the High commissioner for India, and the triplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the triplicate Warrant, an acknowledgement of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh warrant shall be issued by the officer who issued the original warrant on application being made through the colonial disbursing officer. The letter forwarding the duplicate Warrant to the High commisssioner should invariably furnish the following information, viz:

(1) Whether the pensioner is already on leave in the colony.

(2) Date of his retirement;

(3) Date of leaving India;

(4) Date of birth;

971. Cancelled transfer of payment

972. (a) Transfer of a pension from an Indian treasury to a colony the payments in which are adjusted in the accounts of the home treasury is permitted only once; but a pensioner can at any time have payment transferred from a colony to an Indian treasury, or from a colony the payments in which are adjusted in the accounts of the Home treasury to England for direct payment from the Home treasury.

(b) In case a pensioner desires trensfer of payment of his pension from one colony to another, the Government of India will recognize the proceedings of the colonial authorities sanctioning such transfer which should, however, be reported separately by the pensioner to the government of India and to the High Commissioner for India.

973. Upon his return to India an officer should deliver up his copy of the Warrant, which will serve the purpose of a last pay certificate.
