



सत्यमेव जयते

# **MEGHALAYA CIVIL SERVICES (PENSION) RULES**

**FIRST EDITION, 1983**

## PREFACE

The State of Meghalaya was set up on the 21<sup>st</sup> day of January, 1972 the provisions of the North Eastern Areas (Re-organisation) Act, 1971 (Central Act 81 of 1971). In view of the provisions contained in Section 77 of the Act, all the laws which were in force in the area comprised in Meghalaya on the date the State of Meghalaya was created continued to be in force therein. In view of clause (9) of Section 2 of the aforesaid Act, the Assam Services (Pension) Rules, 1969 made in pursuance of *proviso* to Article 309 of the Constitution of India by the Government of Assam also continued to be in force in respect of Meghalaya. The said rules were also adapted by the Government of Meghalaya in exercise of power conferred by Section 79 of the aforesaid Act *vide* Meghalaya Adaptation of Law Order (No. 1), 1974.

It has been considered necessary to revise the Assam Services (Pension) Rules, 1969 as adapted and amended by Meghalaya and to replace the said rules by framing new set of rules. Accordingly the present rules, namely the Meghalaya Civil Services (Pensions) Rules have been framed and published.

Any omission or error in the rule may be brought to the notice of Finance Department, Government of Meghalaya.

Dated Shillong:

The 22<sup>nd</sup> December, 1982

}

(V. RAMAKRISHNAN)

Financial Commissioner

and

Special Secretary to the

Government of Meghalaya,

Finance Department, Shillong.

## MEGHALAYA CIVIL SERVICES (PENSION) RULES

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# GOVERNMENT OF MEGHALAYA

## FINANCE (REVISION OF RULES AND MANUALS)

### DEPARTMENT

Shillong, the 4<sup>th</sup> May, 1983

FIN (RR) 1/80 – In exercise of the power conferred by the proviso to Article 309 of the Constitution of India , and in supersession of all the Rules made under the “Assam Service (Pension) Rules, 1969” as adapted by the Government of Meghalaya, the Governor of Meghalaya is pleased to make the following rules, namely –

## CHAPTER I

### PRELIMINARY

1. **Short Title and Commencement** – These rules may be called the Meghalaya Civil Services (Pension) Rules, 1983.

They shall come into force with effect from the date of publication.

\*Published in the *Gazette of Meghalaya*, Extraordinary No. 44,  
dated 5<sup>th</sup> May, 1983

2. **Application** –

- i) Save as otherwise provided in these rules, these rules shall apply to every Government Servant appointed to civil services and posts in connection with the affairs of the State of Meghalaya and who are borne on establishment not declared as non-pensionable.
- ii) These rules shall not apply to –
  - a) Persons in a work-charged establishment.
  - b) Persons in casual and daily rated employment.
  - c) Persons paid from office expenses.

- d) Persons entitled to the benefit of Contributory Provident Fund.
- e) Persons employed on contract except when the contract provides otherwise; and
- f) Persons whose terms and conditions of service are regulated by any rules for the time being in force.

**Definitions –**

3. In these rules, unless the context otherwise requires –

- 1) a) ‘Audit Officer’ means the Accounts and Audit Officer, whatever his official designation, who authorises the disbursement of pay and allowances of a Government servant or pension of the retired Government Servant.
- b) ‘Average emoluments’ means average emoluments as determined in accordance with rule 29.
- c) ‘Child’ means a child of the Government servant who, if a son is under eighteen years of age and if a daughter is unmarried and is under twenty one years of age and the expression ‘children’ shall be construed accordingly.
- d) ‘Emoluments’ means emoluments as defined in rule 28.
- e) ‘Family Pension’ means family pension admissible under rule 46.
- f) ‘Foreign Service’ means service in which a government servant receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of a Union Territory.
- g) ‘Form’ means a form appointed to these rules.
- h) ‘Governor’ means the State Government.
- i) ‘Gratuity’ includes –
  - (i) ‘services gratuity’ payable under sub-rule (1) of rule 39;
  - (ii) ‘death-cum-retirement gratuity’ payable under sub-rule (1) of rule 40; and
  - (iii) ‘residuary gratuity’ payable under sub-rule (2) of rule 40.

- j) 'Head of a Department' means an authority specified in Schedule IV to the Delegation of Financial Powers Rules, 1981 and includes such other authority or persons whom the Governor may, by order, specify as Head of a Department.
  - k) 'Head of Office' means a gazetted officer declared as such under rule 28 of the Meghalaya Financial Rules, 1981.
  - l) 'Local Fund administered by Government' means the fund administered by a body which, by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retains complete and direct control.
  - m) 'Minor' means a person who has not completed the age of eighteen years.
  - n) 'Pension' includes gratuity except when the term pension is used in contradistinction to gratuity.
  - o) 'Pension sanctioning gratuity' means the authority competent to sanction pension under rule 59.
  - p) 'Qualifying service' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules.
  - q) 'Retirement benefits' includes pension or service gratuity, and death-cum-retirement gratuity, where admissible.
  - r) 'Treasury' includes a Sub-Treasury.
- 2) Words and expressions used herein and not defined but defined in the Fundamental Rules have the meanings respectively assigned to them in these rule.

**Government servants transferred from service and post to which these rules do not apply –**

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

## 4

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

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

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

**CHAPTER II**

**GENERAL CONDITION**

**Regulation of claims to pension or family pension-**

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

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

Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under clause (b) and (e) of Rule 56 of the Fundamental Rules, the date of retirement shall be treated as non-working day.

**Reduction in the amount of pension for unsatisfactory Service –**

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

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

Provided further that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 39.

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

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

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

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

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

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

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

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

(7) Nothing in this rule shall apply –

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

(b) Where a part of pension has been reduced under rule 36; or

(c) Where death-cum-retirement gratuity is admissible under clause (b) of sub-rule (1) rule 40 and family pension admissible under rule 44;

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

*State Government's decision –*

The present practice of the requirement of an administrative sanction to pension in every case has been dispensed with. Instead in a particular case on grounds of unsatisfactory service or conduct, the appointing authority will be addressed at the time of preparation of pension papers to find out whether there is any intention to grant less than full pension. In the absence of reply, the paper will be processed for payment of pension.

**Limitations on number of pensions –**

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

(2) Except as provided in rule 16, a Government servant who having retired on a superannuation pension or retiring or pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

**Pension Subject to future good conduct –**

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

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

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

Provided further that where a part of pension is with held or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 39.

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

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

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

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

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

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

**Explanation –** In this rule –

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

*State Government's decision:*

The failure or refusal of a pensioner to pay any amount owned by him to Government cannot be said to be misconduct.

**Right of Governor to withhold or withdraw pension:**

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

Provided that the State Public Service Commission shall be consulted before any final orders are passed.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 39.

*Note* – (1) The term 'grave misconduct' is wide enough to include 'corrupt practice'. In case where the charge of corruption is proved only after pension has been sanctioned and it is not possible to invoke the provisions of Rule 6 action to withheld or withdraw pension may be taken under rule 9.

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

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



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

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

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

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 64 shall be sanctioned.

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

(6) For the purpose of this rule;

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

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

i) In the case of criminal proceedings, on date on which the complaint or report of a police officer, on which the Magistrate takes cognizance, is made, and

ii) In the case of civil proceedings, on the date the complaint is presented in the court.

*State Government's decision:*

- (1) As soon as the proceedings of the nature referred to in Rule 9 are instituted, the authority which institutes such proceedings, should without delay, intimate the fact to the Audit Officer concerned responsible for issuing the Pension and Gratuity order.
- (2) Grant of provisional pension in the event of proceedings:

Where departmental or judicial proceeding instituted during the service of the Government servant are not likely to be finalised by the date of retirement, action to grant provisional pension should be taken so that the retiring Government servant may not be put to undue hardship. No gratuity, shall, however, be paid either by the Head of Office or by the Audit Officer until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

**CHAPTER III**

**QUALIFYING SERVICE**

**Commencement of qualifying service:**

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

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

Provided further that:

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

**Conditions subject to which service qualifies:**

11. (1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the government, or under conditions determined by the government.
- (2) For the purposes of sub-rule (1), the expression “service” means service under the government and paid by that government from the Consolidated Fund of the State or a Local fund Administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.
- (3) In case of a Government servant belonging to other State Governments including Central Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the other State Government including Central Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify.

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

**Counting of service on probation:**

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

**Counting of service as apprentice:**

13. Service as an apprentice shall not qualify, except in the case where it qualifies under the pension rules applicable at the time when the service was rendered.

**Counting of service on contract:**

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

- (a) To retain the government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service or
- (b) To agree to refund to the government the monetary benefits referred to in clause (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

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

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

**Counting of service paid from contingencies with regular service:**

15. Half the service paid from contingencies will be allowed to count towards pension at the time of absorption in regular employment subject to the following conditions viz:-

- (a) Service paid from contingencies should have been in a job involving whole time employment (and not part-time for a portion of the day).
- (b) Service paid from contingencies should be a type of work or job for which regular posts could have been sanctioned e.g. malis, chowkidars, khalasis, etc.
- (c) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments;
- (d) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.

**Counting of military service rendered before civil employment:**

16. (1) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered regular military service after attaining the age of eighteen years, may, on his confirmation in civil service or post, opt either-
- (a) To continue to draw the military pension or retain gratuity received on discharge from military service in which case his former military service shall not count as qualifying service; or
  - (b) To cease to draw his pension or refund the gratuity including death-cum-retirement, if any, and count the previous military service as qualifying service, in which case the service so allowed to count shall be restricted to a service, within or outside the employees until or department in India or elsewhere which is paid from the Consolidated Fund of the State or for which pensioner contribution have been received by the government and the pension intermediately drawn shall not be required to be refunded but the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded.
- (2) (a) The authority issuing the order or substantive appointment to a civil or post as is referred to in sub-rule (1) shall along with each order required in writing the government servant to exercise the option under that sub-rule within three months of the date of issue of such order, if he is on leave on that day within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b).

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

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

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

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

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

*Note:* - The provisions of this sub-rule shall apply to any employee who had rendered continuous temporary non-regular military service alone or in conjunction with war service and any interruption in service between the temporary non-regular military service and civil service may be condoned in accordance with the provision of rule 25.

**Counting of war service rendered before civil employment:**

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

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

## 15

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

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

(2) War service rendered by a government servant who was appointed substantively to a civil service or post against vacancies which arose after the 31<sup>st</sup> December, 1947 shall subject to the conditions specified in sub-rule (1), be treated as military service as provided in rule 16.

### *Explanatory note:-*

The benefit of service contemplated in the above rules is admissible only in the case of a government servant who was appointed against a war reserved or other permanent vacancy which arose for direct recruitment up to 31<sup>st</sup> December 1947. In the case of a government servants appointed against vacancy which arose after 31<sup>st</sup> December 1947, he shall be entitled to the benefits admissible under rule 16 in respect of military service.

### **Counting of period spent on leave:**

18. All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service.

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

- i) Due to his inability to join, or rejoin duty on account of civil commotion; or
- ii) For prosecuting higher scientific and technical studies.

### *State Government's decision:*

Extraordinary leave taken on account of items (i) and (ii) above will count towards qualifying service only if a definite entry is made to his effect in the service records simultaneously with the event. Even where this is not done it should still be possible to rectify the omission during the period allowed for preparatory action i.e., from two years in advance of the retirement date up to eight months before retirement. At the end of that period, however (i.e., when the actual preparatory of pension papers is taken in hand) no further enquiry into past or check of past records should be undertaken. Specific entries in the service records regarding non-qualifying will be taken note of and such periods excluded from service. All spells of extraordinary leave not covered by such specific entries will be deemed to be qualifying service.

**Counting of periods spent on training:**

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

**Counting of periods of suspensions:**

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

*State Government's decision:*

Above rule requires that in cases other than those in which suspension has been held to be wholly unjustified, the competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in service books/records will be taken note of at the time of revoking qualifying service. In the absence of any specific entry, periods of suspension shall be taken as counting towards the qualifying service.

**Forfeiture of service on dismissal or removal:**

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

**Counting of past service on reinstatement:**

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

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

**Forfeiture of Service on resignation:**

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



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

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

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

- i) That the resignation was tendered by the government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;
- ii) That during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;
- iii) That the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days;
- iv) That the post, which was vacated by the government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and resume duty, the order shall be deemed to include the condonation or interruption in service but the period of interruption shall not count as qualifying service.

**Effect of interruptions in service:**

24. (1) An interruption in the service of a government servant entails forfeiture of his post service, except in the following cases:

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

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

**Condonation of Interruption:**

25. (1) The appointing authority may, by order condone interruptions in the service of a government servant.

Provided that:-

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

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

*State Government's decision:*

**Condonation of interruption:**

In the absence of specific indication to the contrary in the service records an interruption between two spells of service rendered under the Government of Meghalaya including service paid out Defence Service Estimates or Railways Estimates will be treated as automatically condoned and the pre-interruption service treated as qualifying service for pension, except where it is otherwise known that the interruption was caused by resignation, dismissal or removal from service or participation in strike. The period of interruption itself under no circumstances by reckoned as qualifying service for pension.

**Verification of qualifying service after 25 years' service or 5 years before retirement:**

26. (1) On a government servant completing 25 years of service or on his left with five years before date of retirement, whichever is earlier, the Audit Officer concerned in the case of Gazetted Government servant or the Head of Office in consultation with the Audit Officer concerned, in the case of a non-gazetted government servant, shall, in accordance with the rules for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him in Form 10 the period of qualifying service so determined.

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

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

**Deputation/Foreign Service:**

27. (a) There are some cases in which, in accordance with the terms of deputation/foreign service, it is responsibility and liability of the government servant himself to maintain the continuity of pensionable service by the payment of pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made, before the period of foreign service is reckoned as qualifying service. However, the government servant is sometimes put to considerable difficulty because of defective or incomplete record maintenance by the administrative/accounts office. In such cases, while he could be reasonably asked to show that he had indeed made the contribution the administrative authority should show a spirit of reasonableness and accommodation in evaluating and

accepting such evidence as he is able to put forward, and not insist rigidly on formal proof with reference to service or accounts records for the maintenance of which the government servant is not responsible.

(b)Where, however, the responsibility for making pension contribution is that of the borrowing organisation and where either some of the contributions have been recovered or the records in respect of the recoveries of such contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action, this should have no bearing on the processing and finalization of pension papers.

## CHAPTER IV

### EMOLUMENTS AND AVERAGE EMOLUMENTS

#### **Emoluments-**

28. The expression “emoluments” means pay as defined in rule 9 (21) of the Fundamental Rules which a government servant was receiving immediately before his retirement or on the date of his death.

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

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

*Note 2.—* Where a government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the government servant would have continued to hold the higher appointment but for his proceeding on leave.

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

*Note 4.--* If a government servant immediately before his retirement or death while in service was on earned leave and earned an increment, which was not withheld during, the currency of the earned leave not exceeding one hundred and twenty days of earned leave exceeding one hundred and twenty days, such increment, though not actually drawn, shall form part of his emoluments.

*Note 5.--* Pay drawn by a government servant in a tenure appointment shall be treated as emoluments.

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

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

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

*Note 8.--* Where a pensioner who is re-employed in government service elects in terms of clause (a) of sub-rule (1) of rule 16 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

*Note 9.--* Where a government servant has been transferred to an autonomous body consequent on the conversion of a department of the government into such a body and the government servant so transferred opts to retain the pensionary benefits under the rules of the government, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of this rule.

**Average Emoluments:**

29. Average emoluments shall be determined with reference to the emoluments drawn by a government servant during the last complete 10 months of his service.

*Note 1.--* If, during the last ten complete months of his service, a government servant had been absent from duty on leave for which leave salary is payable or having been suspended and has been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments.

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

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

*Note 3.* -- In the case of a government servant who was on earned leave during the last 10 months of service and earned an increment, which was not withheld—

- (a) During the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave exceeding one hundred and twenty days, such increments though not actually drawn, shall be included in the average emoluments.

## CHAPTER V

### CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

#### **Superannuation Pension**

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

#### **Retiring Pension.**

31. A retiring pension shall be granted to a government servant who retires or retired, in advance of the age of compulsory retirement, in accordance with the provisions of rule 36 of these rules, or rule 56 of the Fundamental Rules.

#### **Pensions on absorption in or under a corporation, company or body.**

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

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

**Payment of lump-sum amount to person on absorption in or under a corporation, company or body.**

33. (1) Where a government servant referred to in rule 32 elects the alternative of receiving the death-cum-retirement gratuity and a lump-sum amount in lieu of pension, he shall in addition to the death-cum-retirement gratuity, be granted
- (a) On an application made in this behalf, a lump-sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him accordance with the provisions of the Civil Pensions (Commutation) Rules; and
- (b) A terminal benefit equal to twice the amount of the lump-sum referred to in clause (a) subject to the condition that the government servant surrenders his right of drawing two-third of his pension.

**Invalid Pension:**

34. (1) Invalid pension may be granted if a government servant retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.
- (2) A government servant applying for an invalid pension shall submit a medical certificate of incapacity from the following medical authority namely—
- (a) A medical board, in the case of a Gazetted Government servant including those gazetted government servants whose pay is drawn on establishment pay bill form.
- (b) District Medical and Health Officer or Medical Officer of equivalent status in other cases.

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

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

- (3) The form of the Medical Certificate to be granted by the medical authority specified in sub-rule (2) shall be as in Form 14.

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

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

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

**Compensation Pension.**

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

(a) Of taking compensation pension to which he may be entitled for the service he had rendered, or

(b) Of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(2)(a) Notice of at least three months shall be given to a government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.

(b) Where notice of at least three months is not given and the government servant had not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services may sanction the payment of sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(c) No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.

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



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

**Compulsory retirement pension:**

36. (1) A Government servant compulsorily retired from service as penalty may be granted, by the authority competent to impose such penalty pension or gratuity or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

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

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

(3) A pension granted, or awarded under sub-rule (1) or as the case may be, under sub-rule (2) shall not be less than the limit specified in sub-rule (5) of rule 39.

**Compassionate allowance:**

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

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

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the limit specified in sub-rule (5) of rule 39.

CHAPTER VI

REGULATION OF AMOUNT OF PENSIONS

**Retirement on completion of 33 years qualifying service:**

38. (1) At any time after a Government servant has completed thirty three years qualifying service –

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

And in the case of such retirement the Government servant shall be entitled to a retiring pension.

Provided that—

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

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

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

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

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

*State Government's decision:*

**Withdrawal of notice of retirement.**

- (1) A Government servant who has given to the appropriate authority, notice of retirement has no right subsequently to withdraw the same and return to duty. Government may permit withdrawal of notice if the Government is convinced of material change in the circumstances in consideration of which the notice was originally given.

Where the notice of retirement has been served by the Government it may be withdrawn if so desired for adequate reasons, provided the Government servant concerned is agreeable.

**Verification of service prior to notice of retirement:**

- (2) Orders permitting/requiring a Government servant to retire after completing 33 years qualifying service should as a rule not be issued until after the fact that the officer has indeed completed qualifying service for 33 years has been verified in consultation with the Audit Officer.

**Amount of pension:**

39. (1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing service of ten years, the amount of service gratuity shall be the appropriate amount as set out below namely:-

Completed six months periods of qualifying service	Scale of service gratuity
1	2

1	$\frac{1}{2}$	Month's emoluments
2	1	“ “
3	1-1/2	“ “
4	2	“ “
5	2-1/2	“ “
6	3	“ “
7	3-1/2	“ “
8	4	“ “
9	4-3/8	“ “
10	4-3/4	“ “
11	5-1/8	“ “
12	5-1/2	“ “
13	5-7/8	“ “
14	6-1/4	“ “
15	6-5/8	“ “
16	7	“ “
17	7-3/8	“ “
18	7-3/4	“ “
19	8-1/8	“ “

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

- (i) Upto first Rs. 1,000.00 of average emoluments reckonable for pension. 50 percent of average emoluments.
- (ii) Next Rs. 500.00 of average emoluments reckonable for pension. 40 percent of average emoluments.
- (iii) Balance of average emoluments reckonable for pension. 40 percent of average emoluments.

The amount of pension arrived at on the basis of the above slabs will be related to the maximum qualifying service of 33 (thirty three) years. In respect of Government employees who, at the time of retirement, have rendered qualifying service of 10 (ten) years or more but less than 33 years, the amount of pension will be such proportion of the maximum admissible as the qualifying service rendered by them bears to the maximum qualifying service of 33 years.

A few illustrations regarding calculation of pension on the basis of the above slab system are given below:-

Average emoluments	Pension on 33 years of service	Pension on 30 years of service
1	2	3
Rs. 1000	Pension Rs. 500 ... ..	$\frac{\text{Rs. } 500 \times 30}{33}$ = Rs. 454.50 or Rs. 455
Rs. 1300	First Rs. 1000 @ 50% = Rs. 500 Next Rs. 300 @ 45% = <u>Rs. 135</u> Total Rs. 635	$\frac{\text{Rs. } 635 \times 30}{33}$ = Rs. 577.27 or Rs. 578
Rs. 1500	First Rs. 1000 @ 50% = Rs. 500 Next Rs. 500 @ 45% = <u>Rs. 225</u> Total Rs. 725	$\frac{\text{Rs. } 725 \times 30}{33}$ = Rs. 659.09 or Rs. 660
Rs. 2000	First Rs. 1000 @ 50% = Rs. 500 Next Rs. 500 @ 45% = Rs. 225 Balance Rs. 500 @ 40% = <u>Rs. 200</u> Total Rs. 925	$\frac{\text{Rs. } 925 \times 30}{33}$ = Rs. 840.90 or Rs. 841

### 30

Rs. 2500	First Rs. 1000 @ 50% = Rs. 500	<u>Rs. 1125*30</u> 33
	Next Rs. 500 @ 45% = Rs. 225	
	Balance Rs. 1000 @ 40% = <u>Rs. 400</u>	=Rs. 1022.72 or Rs. 1023
	Total                      Rs. 1125*	

Pension on 30 1/2 years of service	Pension on 20 years of service	Pension on 20 1/2 years of service
4	5	6
<u>=Rs. 500*30 1/2</u> 33	<u>=Rs. 500*20</u> 33	<u>=Rs. 500*20 1/2</u> 33
=Rs. 462.12 or Rs. 463	=Rs. 303.03 or Rs. 304	=Rs. 310.60 or Rs. 311
<u>=Rs. 635*30 1/2</u> 33	<u>=Rs. 635*20</u> 33	<u>=Rs. 635*20 1/2</u> 33
=Rs. 586.89 or Rs. 587	=Rs. 384.84 or Rs. 385	=Rs. 394.46 or Rs. 395
<u>=Rs. 725*30 1/2</u> 33	<u>=Rs. 725*20</u> 33	<u>=Rs. 725*20 1/2</u> 33
=Rs. 670.07 or Rs. 671	=Rs. 439.39 or Rs. 440	=Rs. 450.37 or Rs. 451
<u>=Rs. 925*30 1/2</u> 33	<u>=Rs. 925*20</u> 33	<u>=Rs. 925*20 1/2</u> 33
=Rs. 854.92 or Rs. 855	=Rs. 560.60 or Rs. 561	=Rs. 574.62 or Rs. 575
<u>=Rs. 1125*30 1/2</u> 33	<u>=Rs. 1125*20</u> 33	<u>=Rs. 1125*20 1/2</u> 33
=Rs. 1039.77 or Rs. 1040	=Rs. 681.81 or Rs. 682	=Rs. 698.86 or Rs. 699

\*Restricted to Rs. 1100.00 only inclusive Dearness Allowance.

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

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

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

(5) The pension determined in accordance with the above slab will be subject to a maximum of Rs. 60/- p.m and maximum of Rs. 1,100.00 per month inclusive of Dearness Allowance.

**Death-cum-retirement gratuity:**

40. (1) (a) A government servant, who has completed five years qualifying service and has become eligible for service gratuity or pension under rule 39, shall on his retirement, be granted death-cum-retirement gratuity equal to one-fourth his emoluments for each completed six monthly period qualifying service, subject to a maximum of 16 ½ times the emoluments.

(b) If a government servant dies while in service after completing five years' qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of the emoluments or the amount determined under clause (a) whichever is higher and it shall be paid to his family in the manner indicated in sub-rule (1) of rule 41.

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

(2) If a government servant, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including *ad hoc* increase, if any, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 41.

(3) (a) If a government servant dies in the first year of qualifying service, a death-cum-retirement equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub-rule (1) of rule 41.

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

(4) The emoluments for the purpose of gratuity admissible under this rule shall be subject to a maximum of two thousand five hundred rupees per mensem, and shall be reckoned in accordance with rule 28.

Provided that if the emoluments of a government servant have been reduced during the last ten months of his service otherwise than as penalty, average emoluments as referred to in rule 29 may, at the direction of the pension sanctioning authority be treated as emoluments.

(5) For the purposes of this rule and rules 41 and 43 family in relation to a government servant means :-

- i) Wife or wives, including judicially separated wife or wives, in the case of a male government servant;
- ii) Husband, including judicially separated husband in the case of a female government servant;
- iii) Sons including step-sons and adopted sons;
- iv) Daughters including step-daughters and adopted daughters;
- v) Father, including adoptive parents in the case of individuals;
- vi) Mother, including adoptive parents in the case of individuals whose personal law permits adoption
- vii) Brothers below the age of eighteen years including step-brothers;
- viii) Unmarried sisters and widowed sisters including step sisters;
- ix) Married daughters; and
- x) Children of a pre-deceased son.

*State Government's decision:*

(1) Exemption of death-*cum*-retirement gratuity from Income Tax;

Death-*cum*-retirement gratuity under these rules or under any similar scheme of State Government is exempt from income-tax.

(2) Recovery of government dues from death-*cum*-retirement gratuity



It is permissible to make recovery of government dues from the death-*cum*-retirement gratuity due in respect of an officer even without obtaining his consent, or without obtaining the consent of the members of his family in the case of the deceased officer as the case may be.

(3) Exemption from court attachment:

The non-liability to attachment by a Court of law is derived from the provisions of the Code of Civil Procedure.

**Persons to whom gratuity is payable:**

41. (1) (a) The gratuity payable under rule 40 shall be paid to the persons on whom the right to receive the gratuity is conferred by means of a nomination under rule 43;

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below:-

(i) If there are one or more surviving members of the family as in clauses (i), (ii), (iii) and (iv) of sub-rule (5) of rule 40 to all such members in equal shares;

(ii) If there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clause (v), (vi), (vii), (viii), (ix) and (x) of sub-rule 5 of rule 40 to all such members in equal shares.

(2) If a government servant dies after retirement without receiving the gratuity admissible under sub-rule (5) of rule 40 the gratuity shall be disbursed to the family in the manner indicated in sub-rule 1.

(3) The right of a female member of the family, or that of a brother, of a government servant who dies while in service or after retirement, to receive the share of the gratuity shall not be affected if the female member marries or re-marries, or the brother attains the age of eighteen years, after the death of the government servant and before receiving her or his share of the gratuity.

(4) Where gratuity is granted under rule 40 to a minor member of his family of the deceased government servant, it shall be payable to the guardians on behalf of the minor.

*State Government's decision:*

1. Payment of minor's share of death-*cum*-retirement gratuity to guardian:

Payment of the minor(s) share of death-*cum*-retirement gratuity is to be made to the natural guardian of the minor(s), and in the absence of a natural guardians, to the person who furnished a guardianship certificate.

2. In a case where payment of the minor(s) share of death-*cum*-retirement gratuity is to be made to the natural/legal guardian, in order to issue the necessary payment authority in his/her favour, the Accounts Officer concerned must know this fact, as well as the name of the natural/legal guardian. If the above information is not given in the sanction letter, the Accounts Officer has to make inquiries on this point from the sanctioning authority, resulting in avoidable delay, in the payment of death-*cum*-retirement gratuity. To obviate such delays, the sanctioning authorities are requested to ensure that in future in all cases of this nature the aforesaid particulars are given in the sanction letter itself.
3. Payment of death-*cum*-retirement gratuity to the extent Rs. 5,000 (or the first Rs. 5,000 where the amount payable exceeds Rs. 5,000) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without the production of a formal guardianship certificate but subject to the production of an indemnity bond in Form No. 15 with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of Rs. 5,000, if any, would become payable on the production of a certificate of guardianship.
4. It is essential, however that there should be adequate *prima facie* ground for making payment as in para 3 above to the person claiming it. Such ground can exist only if he has thrown by a sworn declaration to be a *de facto* guardian and his *bonafides* have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person is in law a *de facto* guardian. The authorities making the payment should, therefore, requires the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in charge of the property of the minor and is looking after it or that, if the minor has no property other than the gratuity, the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.
5. The indemnity bond which is to be required to be produced by a *de facto* guardian of minor(s) for payment of death-*cum*-retirement gratuity to the extent of Rs. 5,000 should be executed in the form 16.
6. It has been decided that the stamp duty payable on the indemnity bond will be by the Government. The indemnity bond should, therefore, be executed on any durable plain paper.
7. The indemnity bond should be signed by the obligor and the surety/sureties or their respective attorneys appointed by power(s) of attorney. The indemnity bond on behalf of the Governor should be accepted by an officer duly authorised under Article 299 (1) of the Constitution.

**Lapse of death-cum-retirement gratuity:**

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

- (a) Has made no nomination, or
- (b) The nomination made does not subsist.

The amount of death-*cum*-retirement gratuity payable in respect of such government servant under rule 40 shall lapse to the Government.

**Nomination:**

43. (1) A government servant shall on his initial confirmation in a service or post, make a nomination in Form 1 or form 2 as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-*cum*-retirement gratuity payable under rule 40.

Provided that if at the time of making the nomination-

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

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

(3) A government servant may provide in the nomination-

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

Provided that if at the time of making the nomination the government servant has a family consisting of more than the member, the person so specified shall not be a person other than a member of his family.

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

ii) That the nomination shall become invalid in the event of the happening of the contingency provided therein.

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

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

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

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

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

i) In case the government servant is a permanent gazetted government servant other than a gazetted government servant referred to in sub-rule (1) of rule 58 to the Audit Officer concerned; and

ii) In any other case including that of a gazetted government servant referred to in sub-rule (1) of rule 58 to the Head of Office.

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

(c) (i) The Head of Office may authorities his subordinate gazetted officers to countersign the nomination forms of non-gazetted government servants.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the non-gazetted government servant.

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

*State Government's Orders:*

The need for nomination for payment of death-*cum*-retirement gratuity to the families or deceased government servants arises consequent upon the death of a government servant while in service or after retirement before receipt of the death-*cum*-retirement gratuity. In those cases, where valid nominations already exist, the claims of the nominees are likely to be settled expeditiously as provided in sub-rule (1) (a) of rule 41. But in those cases, where no nomination have been filed or even if filled by the government servant but lost in office due to lack of proper care, the gratuity is payable to the members of the family in the manner prescribed in sub-rule (1) (b) *ibid*. A number of cases have also come to the notice of government where government servants having died without making any valid nominations the surviving members of their families approach courts for grant of succession certificate in orders to entitle them to their share of the gratuity. It may be clarified in this regard that payment of death-*cum*-retirement gratuity to the members of family of a deceased government servant is normally to be made according to the relevant service rules. While payment on the basis of a succession certificate would discharge government's liabilities, a succession certificate does not necessarily create an obligation on the part of the government to pay the amount. Such a claim can be resisted if it is otherwise not an order. Therefore, in order to save the families of the government servants from the expenditure involved on the court fees for obtaining succession certificates and the inevitable delay which this process entails the government servant may be advised to file their nominations in the prescribed form without fail.

## CHAPTER VII

## FAMILY PENSION

44. The rules in this chapter unless otherwise decided shall apply to all officers to whom the provisions of sub-rule (1) of rule 2 apply.

45. Except as otherwise provided in rule 47 a family pension not exceeding the rate mentioned in rule 46 will be admissible in case of death of an officer while in service or after retirement, if at the time of death the retired officer was in receipt of a compensation invalid retiring or superannuation pension. In case of death while in service, the government servant should have completed a minimum period of one year of service.

*Note 1 :-* The term “one year of service” mentioned in above rule does not include broken periods of service. The service for this purpose should be continuous.

*Note 2 :-* For the purpose of computing the minimum period of completed one year of continuous service, ‘be service’ and periods of extraordinary leave, if all shall be excluded.

46. The rate of family pension under rule 45 will; be as follows:-

Pay of government servant	Monthly pension of widow/widower/children
1. Rs. 1,200 and above                      ...	Twelve percent of pay subject a minimum of 160 and maximum of Rs. 250
2. Rs. 400 and above but below Rs. 1,200.	Fifteen percent of pay subject a minimum of 100 and maximum of Rs. 160
3. Below Rs. 400                      ...                      ...	Thirty percent of pay subject a minimum of 60 and maximum of Rs. 100

*Note 1 :-* ‘Pay’ for the purpose of this rule means the pay defined in Rule 9 (2) of the Fundamental Rule which the person was drawing on the date of death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement person had been absent from duty on leave (including extraordinary leave) or suspension, ‘pay’ means the pay which he drew immediately before proceeding on such leave or suspension.

*Note 2 :-* The scheme does not debar a government service pensioner from drawing family pension in addition to his/her pay or pension. In the event of death of the father and the mother who were be government employees, the minor children will be eligible to draw two family pensions, subject to a total of Rs. 250 per mensem.

47. Notwithstanding the provisions in rules 45 and 46 above, if a government servant after rendering minimum 7 (seven) years continuous service dies while in service, the family of such government servant may be granted a pension at the rate and conditions mentioned below:-

- i) For a period of 7 (seven) years from the date following the date of death or till the date on which officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable under this Section will be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under rule 46 above.
- ii) The pension payable thereafter will be at the rate laid down in rule 46 above.
- iii) The provisions of this rule will not be applicable if the government servant had put in less than 7 (seven) years' continuous service prior to his death.
- iv) The other provisions in this Section will continue to operate.

*Note 1 :-* In case of widow/widowers governed by the provisions of the Assam Service (Extra-ordinary Pension) Rules, 1963 as adapted by the Government of Meghalaya, the child allowances, if any, will be paid in addition.

*Note 2 :-* In case of person who dies while on extension of service the date up to which the extension of service had been sanctioned to him before his death will be deemed to be normal date of superannuation.

48. (i) Family for the purpose of rules in this Section will include the following relatives of the officer-

- (a) Wife, in the case of a male officer;
- (b) Husband, in the case of a female officer;
- (c) Minor sons; and
- (d) Unmarried minor daughters.

*Note 1 :-* (c) and (d) will include children adopted legally before retirement.

*Note 2 :-* Marriage after retirement will not be recognised for purposes of rules in this Section.

(ii) The pension will be admissible:-

- (a) In the case of widow/widower up to the date of her/his death or re-marriage whichever is earlier
- (b) In the case of a minor son, until he attains the age of 18 years.
- (c) In the case of an unmarried daughter, until she attains the age of 21 years or marriage, whichever is earlier.

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

- (a) If such son or unmarried daughter is one among two or more children of the government servant, the family pension shall be initially payable to the minor children in the order set out in sub-rule (ii) of this rule until the last minor child attains the age of 18 or 21, as the case may be, and thereafter the Family Pension shall be resumed in favour of the son or unmarried daughter from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life.
- (b) If there are more than one such son or unmarried daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely:-
  - i) Firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the life time of the elder
  - ii) Secondly, to the unmarried daughter, and if there are more than one unmarried daughter, the younger of them will get the family pension only after the life time of the elder.
  - iii) The family pension shall be paid to such son or unmarried daughter through the guardian as if he or she was a minor.



- iv) Before allowing the family pension for life to any such son or unmarried daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a District Medical and Health Officer setting out, as far as possible, the exact mental or physical condition of the child.
- v) The person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of District Medical and Health Officer to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

*Note :-* In cases where there are two or more widows, pension will be payable to the eldest surviving widow. On her death it will be payable to the next surviving widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

(iii) Pension awarded under the rules in this section will not be payable to more than one member of an officer's family at the same time. It will first be admissible to the widow/widower and thereafter to the minor children.

(iv) In the event of re-marriage or death of the widow/widower, the pension will be granted to the minor children through their natural guardian. In disputed cases, however, payments will be made through a legal guardian.

49. Widow/widower of such government servants as are governed by this section will not be entitled to family pension under any other rule. Family pension to the families of government servants governed by this section as well as the Assam Services (Extra-ordinary Pension) Rules, 1963 as adapted who dies as a result of "risk of office" or special risk of Office" as defined in the aforesaid rules, 1963 would be paid under the Assam Services (Extra-ordinary Pension) Rules, 1963 as adapted and not under the Family Pension Scheme in this section except to the extent mentioned in the scheme. In other words, they will not be entitled to benefits under the Family Pension Scheme in this Section, in addition, except as indicated in Note 1 below sub-rule (iv) of rule 47.

50. Family pension under the rules in this section is not admissible in respect of:-

- (a) Persons paid from contingencies;
- (b) Work charged staff;
- (c) Casual labour;

(d) Contract officers;

(e) Persons who die after removal or dismissal from service and were/are granted Compassionate Allowance.

51. (1) As in the case of the grant of an ordinary pension future good conduct of the recipient is an implied condition of every grant of a pension under this section. Government reserve to themselves the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and government decision in such matters will be final.

(2) If a government servant dies after retirement, whether before or after his pension has been sanctioned, and any fact comes to light after his retirement whether before or after his death which, had they come to the notice of the government before his retirement or death, would in the normal course have ended with his dismissal or removal from service, or reduction in rank or withholding or withdrawing of pension, or would have resulted in institution of criminal prosecution under a charge which provides for imprisonment of 7 years or more severe punishment, the family pension may not be granted or may be withheld or withdrawn or may be reduced to such extent as the government may deem fit.

(3) ) If a government servant dies while in service and some facts come to the notice of the government after his death that the officer was, while in service, engaged in anti-state activity or was guilty of misconduct, negligence, fraud, etc., which, and it come to the notice of the government before his death, would have ended with his dismissal or removal from his service or reduction in rank or withholding or withdrawing of pension and he retired on the date of death, the family pension under this scheme may not be granted or may be withheld or withdrawn or may be reduced to such extent as may be deemed fit by the government.

**PROCEDURE**

**Furnishing of 'Family' details**

52. (1) The following procedure are to be followed in respect of claims arising out of the scheme in this section-

- (i) All non-gazetted employees entitled to the benefit of this scheme shall be required to furnish details of their family as defined in clause (i) of rule 48 i.e., the date of birth of each member, with his/her relationship with the government servant in Form No. 17. This statement shall be countersigned by the Head of Office and pasted in the Service Book of the government servant. Government servants will thereafter be required to keep this statement up-to-date. Additions and alterations in this statement will be made by the Head of Office from time to time on receipt of information from the government servant concerned.
- (ii) All gazetted officers will furnish the details of their family to their respective Accounts Officer. It will be their responsibility to keep these particulars up-to-date. The Accounts Officers will be required to acknowledge the receipt of these communications.

**Cases where death occurs while in service.**

53. (i) On receiving information of death of an officer while in service, the administrative authority will send a letter as prescribed in form No. 7 (Pension) to the family of the deceased and ask for the necessary formula application in Form No. 8 (Pension) and the documents mentioned therein.

- (ii) On receiving the documents referred to in sub-rule (i) above the pension sanctioning authority will sanction family pension as in Form No. 9 (Pension) and send all these documents along with the Service Book of the government servant to the Audit Officer concerned who will then issue the pension payment order to the beneficiary.

**Cases where death occurs after retirement.**

- (iii) In order to facilitate quick payment of family pension to the widow of the pensioner, the same Pension Payment Order under which the pensioner was drawing his pension will provide for the admissibility of the family pension to her. While applying for the grant of pension the government servant should furnish three copies of his joint photograph with wife; one of which, will, after having been attested by the pension sanctioning authority, be pasted in the Pension Payment Order pensioner's portion. The amount of family pension admissible will be mentioned in the Pension Payment Order. The Treasury Officer will start paying family pension to the widow/widower on receipt of death certificate of the pensioner and the Form of Application (Form No. 8) for the grant of family pension to her/him under intimation to the Audit Officer concerned. If the widow/widower is also not there and the family pension is payable to the minor children through their natural guardian, the guardian will apply on behalf of the children with three copies of his photograph and other necessary documents to the administrative authorities on surrendering the first pension payment order. Fresh pension payment order will require to be issued in such cases.

## CHAPTER VIII

## SPECIAL PROVISIONS: TEMPORARY, CONTINGENCY AND OTHER STAFF

**Temporary Government Servants.**

54. (i) A temporary employee who retires on superannuation or is discharged on account of retirement or is declared invalid for further service will be eligible for a gratuity as per provision laid down in Rule 40 (1) (a).

*NOTE-* "Pay" for the purpose of determining the amount of gratuity will mean only basic pay, at the time of relinquishing service. It will not include special pay, personal pay and other emoluments classes as "Pay". In case the person concerned was on leave with or without allowance immediately before retirement/discharge/invalidation, pay for this purpose will be that which he would have drawn had he not proceeded on such leave.

(ii) the grant of gratuity under clause (i) above will be subject to the service rendered by the employee concerned being held by the authority competent to appoint him to be approved and satisfactory.

(iii) No gratuity will be admissible—

- (a) In a case where the employee concerned resigns his post or is removed or dismissed from public service;
- (b) To a probationer or other government servant discharged for failure to pass the prescribed test or examination;
- (c) To a re-employed pensioner;
- (d) To one paid from contingency or one belonging to work-charged establishment or any other service governed by separate rules or orders;
- (e) To one in contract service unless there is any specific stipulation in the contract-dee;
- (f) To one entitled to benefit or Contributory Provident Fund or similar other benefits;

**Contingency and other non-pensionable staff:**

55. The Governor of Meghalaya may at his discretion and subject to such condition as he may think fit to impose, grant gratuity not exceeding six month pay to a person who retires after rendering many years of satisfactory service as a contingency employee, or in government notice corps, or in any other non-pensionable service (other than members of the work-charged establishment) provided that no retirement benefit is otherwise admissible to such person under any other specific rule or order applicable to him.

*NOTE-* Though service in a work-charge establishment is non-pensionable members of such establishment may, on retirement be entitled to gratuity under rule 333 (2) of the Meghalaya Financial Rules, such staff will not be entitled to any gratuity under above rule in addition to the gratuity admissible under rule 333 of Meghalaya Financial Rules.

**CHAPTER IX**  
**APPLICATION FOR AND SANCTION OF PENSION GENERAL**

**Preparation of list of government servants due for retirement:**

56. (1) Every Head of the Department shall have a list prepared every six months, that is on the 1<sup>st</sup> January and the 1<sup>st</sup> July each year of all gazetted and non-gazetted government servants who are due to retire within the next 24 to 30 months of that date in form No. 18.

(2) A copy of every list referred to the sub-rule (1) shall be supplied to the Audit Officer concerned not later than the 31<sup>st</sup> January or the 31<sup>st</sup> July, as the case may be, of that year.

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement becomes known to him.

**Intimation to Estate Officer regarding issue of ‘No Demand Certificate’**

57. (i) The Head of Office will write to the Estates Officer at least two years before the anticipated date of retirement of a government servant who is in occupation of a government accommodation for issue of “No Demand Certificate”.

(ii) The Estate Officer will scrutinize its records and inform the Head of Office eight months before the date of retirement of government servant if any outstanding dues were recoverable from the government servant on that date for the occupation of government accommodation in respect of any period prior to that date. If no intimation regarding outstanding dues is received by the Head of Office, the presumption would be that nothing was recoverable from the government servant in respect of any past period and issue of final pension payment order and order for payment of gratuity shall not be delayed on this account.

(iii) The head of Office shall ensure that House Rent for the next eight months, *i.e.*, up to the date of retirement is recovered every month from the pay and allowances of the Government servant.

(iv) Where the Estate Officer intimates amount of Government dues recoverable in respect of any period mentioned in (ii) above the Head of Office shall ensure that the dues are recovered out of the gratuity before its payment is authorised.

(v) A Government servant is eligible to retain government accommodation for the permissible period of two months beyond the date of his retirement on the payment usual House Rent as he was paying before retirement. The Estate Officer will also intimate to the Head of Office the amount of House Rent in respect of the said permissible period of two months which shall be recovered from the amount of death-*cum*-retirement gratuity together with the dues intimated under (iv) above.

2. The above procedure has been prescribed so that finalisation of a pension case is not delayed on account of non-receipt of “No Demand Certificate” from the Estate Officer.

The Head of Office shall in no case overlook the retirement of writing to the Estate Officer for the issue of “No Demand Certificate” at least two years of the anticipated date of accommodation. The Head of Office are requested to ensure strict compliance of the aforesaid provisions.

**Gazetted government servants drawing pay on establishment bill and other government servants holding gazetted posts in officiating capacity—**

58. (1) A gazetted government servant whose pay and allowances are drawn by the Head of Office on establishment bill shall be treated as a non-gazetted Government servant and the procedure laid down in rule 61 to 64 (both inclusive) shall apply to him.

(2) In the case of 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 and whose pay and allowances are not drawn by the Head of Officer on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the audit Officer within a month from the date of promotion of such Government servant after verifying the non-gazetted portion of his service and recording a certificate to this effect and that the service book is complete in all respects.

**Authority competent to sanction pension—**

59. (a) The Authority competent to make appointment to the post held at the time of retirement shall be competent to sanction pension and gratuity. The sanction of such authority shall be deemed to have been accorded after the procedure laid down in rule 62 of rule is followed.

*Explanation--* No order regarding reduction in the amount of pension/gratuity shall be made without the approval of appointing authority to be obtained according to the procedure laid down in rule 62 or 67.



(b) The authority referred to in clause (a) shall, after considering the facts of the case and having due regard to the provisions of rule 6 decide 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.

60. **Revision of pension after sanction**—(1) Subject to the provisions of rules 8 and 9 pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government pensioner, unless such revision becomes necessary on account of detection of clerical or computation error subsequently.

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

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

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

61. **Preparation of pension papers**—The Audit Officer concerned shall undertake the work of preparing pension papers in Form 4, two years before the date on which a Government servant is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement whichever is earlier.

*Explanation*—In this rule and in rules 62, 63 & 64 the expression ‘Government servant’ means a gazetted Government servant other than a gazetted Government servant referred to in sub-rule (1) of rule 58.

62. **Further action to sanction pension**—(1) (a) The Head of Office if he is not the appointing authority (or the next higher authority when the pension case is that of the Head of Office himself), shall ascertain in advance from the appointing authority and communicate to the Audit Officer any intention to grant less than full pension/gratuity, at least 6 months prior to the date of retirement of government servant. Where no such intimation is received six months before retirement the Audit Officer shall process the pension case, on assumption that full admissible pension and gratuity shall be granted.

(b) For the purpose of clause (a) one year prior to the retirement date the Head of Office, if he is not appointing authority (or next authority where the pension case is that of the Head of Office himself) shall address a separate inquiry to the Appointing Authority whether there is any intention to grant less than full pension or to institute any proceedings. If the appointing authority decides that there is a case for granting less than full admissible pension/gratuity the procedure laid down in rule 6 shall be followed and this process should be positively completed 6 months prior to the retirement date and order of appointing authority be communicated to Audit Officer in Form 3 by the Head of Office within the period prescribed in clause (a).

(c) If after the Government servant is retired any event occurs which has bearing on the amount of pension/gratuity admissible, the fact shall be promptly reported to the Audit Officer by the Head of Office not later than a week after the actual retirement date.

(d) In case no report as provided in clause (c) is received by the Audit Officer within the prescribed date of retirement of the Government servant.

(2) The Head of Office shall furnish to the Audit Officer at least 1 ½ months before the date of retirement of the Government servant, the following particulars namely—

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

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

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

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

Provided the Audit Officer shall not be required to withhold an amount of gratuity for adjustment of Government dues which have not been assessed, if under rule 74 the Government servant has made a cash deposit or furnish a surety of permanent Government servant.

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

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

- (4) The Audit Officer shall finally assess the pension and gratuity if the pension is payable in his circle of audit. He shall after taking into account the order about reduction of pension/gratuity, if any, and the audit encasement on Section I of Part III of Form 4 and the dues mentioned in sub-rule (2) prepare the Pension Payment Order and order for the payment of gratuity.

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

- (5) If the pension is payable in another circle of audit the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle who shall arrange payment at the Treasury concerned.
- (6) The fact of the issue of the pension payment order and order for the payment of gratuity shall be promptly reported to the Head of Office and the retired Government servant.

**63. Sanction of anticipatory pension and gratuity—**

- (1) When a Government servant is likely to retire before his pension or gratuity or both can be finally assessed and settled in accordance with the provision of these rules, the Head of Office shall determine the pension/gratuity read with rule 75, to which, after the most careful summary investigation that he can make without delay, he believes the Government servant to be entitled. He shall then authorise under intimation to Audit Officer the disbursement of the pension not exceeding the amount so determined as 'anticipatory pension' and gratuity not exceeding 90 per cent of the amount as determined 'anticipatory gratuity' after deducting there from the date mentioned in sub-rule (2) of rule 62. Before authorising anticipatory gratuity information about the dues outstanding in the books of Accountant General should also be obtained and deducted. The anticipatory pension/gratuity shall be drawn by Head of Office on establishment pay bill form and paid Government servant if P.P.O/G.P.O. is not received by the date on which pension gratuity becomes payable.
- (2) The amount payable under sub-rule (1) shall be subject to revision on the completion of the detailed investigation and inquiries, if any.

(3) If the amount of pension granted to a required Government servant under sub-rule (1) is afterwards found to be in excess of that to which he is entitled under these rules, the excess payment shall be adjusted from the balance of D.C.R.D and by short payments of pension in future in one or more instalments as the pension sanctioning authority may direct. If, however the amount of gratuity so disbursed proves to larger than the amount finally assessed, gratuitant shall be required to refund the excess actually disbursed to him.

**64. Provisional pension where departmental judicial proceeding may be pending—(1)**

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

(b) No gratuity shall be paid to the Government servant until the conclusion of the department or judicial proceeding and issue of final orders thereon.

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

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

*State Government's decision*

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

NON-GAZETTED GOVERNMENT SERVANTS

**65. Preparation of pension papers—** (1) Every Head of Office shall undertake the work of preparing pension papers in form 4 two years before the date on which a Government servant is due to retire on superannuation.

*State Government's decision*

The pension case of a Government servant shall be initiated by the Head of Office or other authority responsible for preparing pension papers, two years before the date of retirement. At this stage, the work will be essential that of assembling the information necessary for working out the qualifying service. As most delays in pension cases arise from gaps, deficiencies and imperfections in the service book/records, every effort should be made at this stage to remove them, while at the same time keeping in mind that what is intended is not a total overhaul or audit of the entire service book or records, but only a scrutiny limited to the purpose on hand viz., the preparation of pension papers. This process should be completed in good time at any rate not later than 8 months in advance of the date of retirement of the Government servant. On reaching that stage i.e., 8 months before the date of retirement any deficiency imperfection or omission which still remains in the service records will be ignored at this stage and the determination of qualifying service will be proceeded with on the basis of entries in the service records, whatever the degree of imperfection in which it might have been possible to bring them by that time. This process of determining the qualifying service shall be positively completed within a period of two months.

**Verification of service:**

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

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

(2) If the service for any period is not capable of being verified in the manner specified in sub-rule (1) that period of service having been rendered by the Government servant in another Office or Department, a reference shall be made to the Head of that Office or as the case may be, Head of that Department in which the Government servant is shown to have served during that period for the purpose of verification.

(3) (a) if any portion of service rendered by a Government servant not capable of being verified in the manner specified in sub-rule (1) and (2) 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 subscribed to a declaration as to the truth of that statement, and shall, in support of such declaration which is in his power to produce or furnish.

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

**Completion and forwarding of pension papers to Audit Officer—**

67. (1) (a) On reaching the stage i.e. 13 months before the date of retirement the Head of Office shall take up the actual work of preparation of pension papers in part I and II of Form 4. Any deficiency or imperfection or omission which still remains in the service record shall be ignored at this stage and the qualifying service shall be proceeded with on the basis of entries in the service record, whatever the degree of perfection to which it might have been possible to bring them by that time.

(b) The Head of Office, if he himself is the appointing authority, shall examine the case whether there is any case for grant of lesser than full pension/gratuity or to institute any proceeding. It is decided to grant lesser than full pension/gratuity after following the procedure of rule 6, the Head of Office shall intimate decision to audit office 12 months before the date of retirement of government servant

(c) if the Head of Office is not the appointing authority he shall, 15 months in advance of the retirement date address a separate inquiry to the Appointing Authority whether there is any intention to grant less than full pension/gratuity. If the appointing authority decides that there is a case for reduction in pension/gratuity, he may after following the procedure in rule 6 may take a decision and communicate the same to the Head of Office 13 months before the retirement date. If no reply is received 12 months prior to the date of retirement, the Head of Office shall assume that there is no intention to reduce pension/gratuity.

(2) (a) The Head of Office shall send Form 4 along with Form 3 (only in cases where it is decided to reduce pension/gratuity) to the Audit Officer 12 months before retirement date with a covering memo, in Form 5 along with service book/ service roll duly completed and up-to-date and any other documents relied upon for the verification of service claimed; in such a manner that they can be conveniently consulted.

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

**Intimation to Audit Officer regarding any event having a bearing on pension—**

68. (1) If, after the pension papers have been forwarded to the Audit Officer any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the head of Office. If no such report is received within a week from the date of retirement, Audit Officer shall assume that there has occurred no such event.

(2) The Head of Office shall furnish to the Audit Officer at least one and a half month before the date of retirement of the government servant, the following particulars, namely:-

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

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

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

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

Provided that the Head of Office shall not be required to withhold an amount for adjustment of government dues which have not been assessed, if under rule 73 the government servant has made cash deposit or furnished a surety of a permanent government servant.

*State Government's decision*

**Administrative sanction to pension and the concept of approved service—**

(a) It has been noticed that the submission of pension papers to the Head of the Department or Appointing Authority for administrative sanction to pension with reference to the concept of approved service, though this is largely a formality in the vast majority of cases, nevertheless leads to a good deal of delay in the finalization of pension cases. It has, therefore, been decided that the requirement of an administrative sanction to pension, should be dispensed with. The determination of pension will hereafter be merely a matter of calculation in accordance with the rules and the pension papers need not be submitted to the Head of Department or the Appointing Authority.

(b) However, the intention behind the provisions in Rule 6 (1) under which less than the full admissible quantum of pension/gratuity can be granted after a summary procedure in a particular case on the grounds of unsatisfactory service or conduct, is not proposed to be given up. Recourse to this provision will obviously be had only in exceptional cases and for this purpose it is not considered necessary to submit all pension cases to the Head of the Department or the Appointing Authority or subject them to a process of administrative sanction. Instead, at the time, the preparation of pension papers is taken up i.e. 8 months prior to the retirement date, the Head of the Office should address a separate enquiry to the Appointing Authority whether is any intention to grant less than full pension or to institute any proceedings. (The pension papers need not to be that authority for this purpose). In the absence of a reply to this enquiry, the authority preparing the pension papers should assume that there is no intention to grant less than full pension/gratuity and should process the pension papers accordingly so as to transmit them by the prescribed deadline to the authority responsible for issuing the pension payment order. If, however, the appointing authority does decide that there is a case for granting less than the full admissible pension/gratuity, the procedure laid down in Rule 6 should be followed and this process should be positively completed before the deadline for sending the pension papers to the authority responsible for issuing the pension payment order is reached i.e. earlier than six months prior to the retirement date.



- (c) Where the responsibility for preparing the pension papers rests with an authority other than the Head of the Office concerned, it should be the responsibility of the Head of Office (or that of the next higher authority, where the pension case is that of the Head of Office himself) to ascertain in advance from the Appointing Authority and communicate to the authority responsible for preparing the pension papers any intention to grant less than the full admissible pension/gratuity, not later than 6 months prior to the retirement date. Where no such intimation has been received the authority responsible for preparing pension papers will process the pension case on the assumption that full admissible pension and gratuity may be granted.

**Sanctioning drawal and disbursement of provisional pension and of gratuity—**

69. If, for any special reason, it has not been found possible to complete and forward the pension papers to the officer responsible for issuing the P.P.O. within the prescribed time-schedule in a particular case, or if the pension papers have been sent late to that officer and/or that officer has either returned to the Head of Office for eliciting further information or has not been able to issue the Pension Payment Order before one month prior to the date of retirement of the government servant, steps shall be taken by the Head of Office to authorise payment of provisional pension and gratuity by the first of the month in which it is due. For this purpose, such information as available in the official record may be used, and further, the Head of Office should ask the retiring government servant for a simple statement giving his total length of service (from the date of joining duty to the date of retirement indicating the periods of breaks, if any), and also the emoluments drawn during the last ten months of service. The retiring government servant may also be asked to certify that the facts stated by him are correct to the best of his knowledge and belief. If the complete information in regard to emoluments drawn during the last ten months is not available with the Head of Office or with the government servant, the emoluments last drawn should be taken provisionally as average emoluments. The Head of Office shall sanction 100% of the pension calculated with reference to the information so obtained, as a provisional pension. The Death-*cum*-Retirement Gratuity should similarly be determined. The provisional pension and gratuity will be drawn and disbursed by the Head of Office as in respect of gazetted as well non-gazetted government servant. Before disbursing the provisional gratuity, all known dues such as long term advances still outstanding, over payment of pay and allowances etc., and other due, shall be adjusted. Where no such adjustments are due, a deduction of 10% of the gratuity or Rs. 1,000/, whichever is less, shall be made partly to cover unassessed dues, if any partly as margin for adjustment in the light of final determination of the gratuity.

70. **The provisional pension is not intended to be continued on a provisional basis beyond a period of six months from the date of retirement.** If the officer responsible for issuing the P.P.O. has not finalised the pension case by that time, the provisional pension shall be deemed to have been come final and, it will be obligatory for the officer concerned to issue the final pension payment order for the amount of pension and gratuity already calculated on a provisional basis and the deduction made from the gratuity as mentioned above shall also be released.

*Note--* The provisions regarding provisional pension to become final after six months, will not apply to provisional pension granted in terms of Rule 63 or 64 where departmental or judicial proceedings instituted during the service of the government servant are not likely to be finalised by the date of retirement.

**Drawal of balance of gratuity from Treasury or from head of Office—**

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

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

(3) The Head of Office shall there upon take steps to draw and disburse the balance of the gratuity after the Audit Office has issued the necessary authority as provided in sub-rule (4) of rule 62.

**Authorisation of final pension and gratuity by the Audit Officer—**

72. (1) On receipt of pension papers referred to in rule 67 the Audit Officer shall apply the require checks record his Audit enfacement on Section I of Part II of Form 4 and assess the amount of final pension and authority not less than 2 months in advance of date of retirement.

Provided that if the Audit Officer is for any reason, unable to assess the amount aforesaid, he shall communicate the fact to the Head of Office.

*Note--* The Audit Officer while applying requisite checks shall keep in mind that what is intended is not a total overhaul or audit of retire Service Book or records, but only a scrutiny limited to the immediate purpose on hand, namely, the preparation of pension papers. Similarly, any check of correctness of emoluments whether in the office preparing pension papers or in Audit Office shall not become an occasion for an extensive examination going back into the distant past; the check should be of the last 12 months at the minimum which is absolutely necessary and it shall in any case not go back to a period earlier than a minimum of 24 months preceding the date of retirement.

(2) (a) If the pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order including order of payment of death-*cum*-retirement gratuity one month in advance of date of retirement.

(b) The payment of pension shall be effective from the date the government servant ceased to be borne on the establishment.

(c) The amount of pension paid by Head of Office as anticipatory pension shall be adjusted the arrears of final pension.

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

(4) If the government servant has opted for receiving the payment of balance of the gratuity from the Head of Office, 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 Office shall adjust before making payment to the government servant along with the amount paid by him t as anticipatory gratuity.

(5) The fact of the issue of the Pension Payment Order and order for the payment of the gratuity shall be promptly reported to the Head of Office and the pension papers which are no longer required shall be returned to him.

(6)The Audit Officer may authorise the payment of balances of the gratuity even during the period of the currency of anticipatory pension, provided the amount of gratuity has been finally assessed and no recovery of government dues is outstanding against the retired government servant.

(7) If the final pension and gratuity are payable in another circle of audit, the Audit Officer obtain information of the amount of anticipatory pension/gratuity paid by the Head of Office and send a copy each of Form 3 (if necessary) and Form 4 along with the Audit encasement and the last pay certificate, if received to the Audit Officer of that circle who shall prepare the Pension Payment Order and the orders for the payment of gratuity.

Provided that the adjustment of anticipatory pension/gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the payment of anticipatory pension/gratuity was made.

(8) If the amount of anticipatory pension drawn and disbursed by the Head of Office is found to be in excess of the final pension assessed by the Audit Office it shall be open to the Audit Office to adjust the excess amount out of the balance of the gratuity, if any, or recover the excess amount by short payments of pension payable in future.

(9) If the amount of anticipatory pension/gratuity disbursed by the Head of Office proves to be in excess of the amount finally assessed by the Audit Officer, the gratuitant shall not be required to refund the excess.

#### GOVERNMENT DUES

##### **Recovery and adjustment of government dues-**

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

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

(a) An equivalent cash deposit may be taken from hi.; or

(b) Out of the gratuity payable to him, his nominee or legal heir, an amount equal to that recoverable on account of ascertainable government dues shall be deducted.

**Explanation**—The expression “ascertainable government dues” includes of house building or convenience advance, arrears of rent and other charges pertaining to occupation of government accommodation, over-payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act.

*State Government's decision*

**Adjustment of Government's dues**—In respect of dues other than pertaining to government accommodation steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up two years prior to the retirement date. As the next stage of the actual preparation of pension is reached only after a year and four months, there is ample time for ascertaining all kinds of government dues. Once that stage is reached i.e., eight months before the retirement of the government servant any further probing of records for recoveries due shall cover only a limited period i.e., not more than two years before the date of retirement. It should thus be quite possible for the Head of Office, or the office which is to issue the Pension Payment Order, as the case may be, to ascertain or assess all the dues particularly those pertaining to long term advances, over payments of pay and allowances, and such other dues, prior to the prescribed deadline for the issue of the Pension Payment/Gratuity payment orders or the provisional pension/gratuity order. The Pension papers should clearly indicate the total amount of outstanding dues which should be recovered out of death-*cum*-retirement gratuity before authority for the payment of gratuity (whether final or provisional) is issued; and if, after the pension papers have been transmitted to the office responsible for issuing the Pension Payment Order, additional recoveries to be made from the gratuity come to notice, the fact shall be promptly reported to that office. In a case where no major recoveries are due, 10 per cent of the gratuity or Rs. 1,000 has been withheld because there might be unassessed government dues or because the gratuity has been provisionally paid or because the last pay certificate has not been received, the withheld amount shall automatically become payable on the expiry of the six months after retirement. The Head of Office (or the office issuing the pension and gratuity payment orders) shall indicate in the orders granting a provisional gratuity (or the final gratuity payment order) itself the amount of gratuity withheld and add further that the withheld amount shall be released by the Office disbursing the pension without further instructions on the expiry of the period of six months from the date of retirement unless instructions for the recovery of the specified sum or sums from the withheld amount are issued within the aforesaid period.

**Furnishing of surety by retiring government servant—**

74. (1) (a) If any of the government dues (other than those referred to in rule 73) remain unrealised and unassessed for any reasons, the retiring government servant may be asked to furnish in Form 6 a surety of a suitable permanent government servant, holding a pensionable post .

(b) If the surety furnished by him is found acceptable the grant of his pension and gratuity shall not be delayed.

(2) (a) If the retiring government servant is unable or unwilling to furnish surety, a suitable cash deposit may be taken from him, or such portion of gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

(b) The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty five per cent thereof.

(c) Where it is not possible to estimate the approximate amount recoverable from the retiring government servant the amount of deposit to be taken or the portion of gratuity to be withheld shall be limited to ten per cent of the amount of gratuity or one thousand rupees, whichever is less.

(3) (a) Efforts shall be made to assess and adjust the recoverable government dues within a period not exceeding six months from the date of retirement of the government servant and if no claim is made on government account against the government servant within such a period it shall be presumed that no government claim excluding claim of house rent is outstanding against him.

(b) The Government dues as assessed shall be adjusted against the cash deposit or the amount withheld from the gratuity and the balance, if any, shall be released to the retired Government servant after the expiry of the period referred to in clause (a).

(c) Where a pensioner has furnished a surety, the surety shall be released after the expiry of the period referred to in clause (a) provided that dues assessed up to that time have been recovered.

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

Provided that in respect of house rent, the amount, if any the claim for which is received after the period of 12 months from the date of retirement of the Government servant shall not be recoverable from the retired Government servant.

*State Government's decision:*

According to sub-rule (1) of rule 74 if any of the Government dues (other than those referred to in Rule 73) remain unrealised and unassessed for any reasons the retiring Government servant is required to furnish in Form 6 surety) of a suitable permanent Government servant. The authority competent to accept the surety bond in Form 6 for and on behalf of the Governor is the pension sanctioning authority. In terms of the requirement of the administrative sanction in Form 6 has been dispensed with and; therefore, the pension sanctioning authority has no role to play in the processing and finalising pension cases. In fact that authority has ceased to exist as the Head of the Office has been made responsible for processing and finalising pension cases.

(2) It has been decided that henceforth the Head of the Office in each case shall be the competent authority to accept the Surety Bond in Form 6 for and on behalf of the Governor.

## **CHAPTER X**

### **SANCTION OF FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY IN RESPECT OF GOVERNMENT SERVANT DYING WHILE IN SERVICE**

#### **Payment of family pension and death-cum-retirement gratuity when a gazetted Government servant dies while in service—**

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

*Explanation:-* For the purposes of this rule, gazetted Government servant means—

- (i) A Government servant who, before his death, had a lien or a suspended lien on a permanent pensionable service or post in a gazetted capacity but does not include a gazetted Government servant referred to in sub-rule (1) of rule 58 and;
- (ii) A Government servant other than a Government servant referred to in sub-rule (1) of rule 58 who before his death held pensionable service or post in gazetted capacity but had not held a lien or suspended lien on any permanent pensionable service or post.

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

(3) (a) Where the family of the deceased Government servant is eligible for the death-cum-retirement gratuity under rule 40, the Audit Officer shall ascertain—

- (i) If the deceased Government servant had nominated any person or persons to receive the gratuity; and
- (ii) If the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Audit Officer shall then address the person concerned in Form 7 for making a claim in Form 8.

(4) Notwithstanding anything contained in Sub-rule (3), the Head of Office shall furnish to the Audit Officer the following particulars, namely:-

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

*Note:-* The amount of gratuity to be held over under sub-clause (ii) shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 74.

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

(6) On receipt of the claim, or claims the Audit Officer shall complete Form 11 and finally assess the amount of death-cum-retirement gratuity or family pension or both.

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

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



(b) The amount of gratuity held over under sub-clause (ii) of sub-rule (5) shall be adjusted by the Audit Officer against the government dues ascertained and assessed subsequently and the balance, if any, shall be released to the claimant of claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 74.

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

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

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

#### **Authorisation of Anticipatory Gratuity and Family Pension.**

76. (1) Where the amount of death-*cum*-retirement gratuity and family pension payable under rule 75 cannot be finally assessed and settled in accordance with the provisions of these rules within a reasonable time, the Audit Officer shall determine the gratuity and the family pension, which after the most careful summary investigation that he can make without delay, he believes the claimant to be entitled. He shall, after complying with the provisions of sub-rules (8), (9) and (10) of rule 75 authorise the disbursement of the family pension so determined as, anticipatory family pension and three-fourths of the amount of the gratuity so determined as 'anticipatory gratuity'.

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

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

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

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

*Explanation*—For the purpose of this rule and rule 78 the expression ‘non-gazetted government servant’ includes:-

- (i) A gazetted government servant referred to in sub-rule (1) of rule 58 and;
- (ii) A gazetted government servant who before the death did not hold a lien or a suspended lien on a permanent pensionable service or post in a gazetted capacity but held a lien or suspended lien on a permanent pensionable service or post in non-gazetted capacity.

(2) (a) Where the family of the deceased government servant is eligible for the death-cum-retirement gratuity under rule 40 the Head of Office shall ascertain:-

- (i) If the deceased government servant had nominated any person or persons the gratuity; and
- (ii) Where the deceased government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Head of Office shall then, address the person concerned in Form 7 who may submit claim in Form 8.

(3) The Head of Office shall furnish to the Audit Officer the following particulars regarding the details of government dues outstanding against the deceased government servant namely:-

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

Government dues which have been ascertained and

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

NOTE—The amount of gratuity to be held over shall be determined in accordance with the provisions of clause (b) and (c) of sub-rule (3) of rule 74.

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

(5) (a) After completing Form 11, the Head of Office shall send that form in original to the Audit Officer with a covering letter in Form 12 along with the government servant's service book and service roll, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed in such manner that they can be conveniently consulted.

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

(c) If the payment is desired in another circle of audit, Form 11 shall be sent in duplicate to the Audit Officer.

(6) After the documents referred to in sub-rules (3) and (4) have been sent to the Audit Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and three-fourths of the gratuity as indicated in Part 1 of Form 11 and for this purpose adopt the following procedure, namely:-

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

(b) He shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3);

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

(i) The amount of provisional family pension; and

(ii) The amount of three-fourths of the gratuity after deducting there from the dues mentioned in clause (b);

From the Treasury at which the pay and allowances of the establishment are drawn by him.

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

- (8) The payment of provisional family pension shall continue for a period of six months from the date following the date of death of government servant unless the period is extended by the Audit Office under the proviso to sub-rule (1) of rule 78.
- (9) The Head of Office shall inform the Audit Officer—
- (a) As soon as the gratuity has been paid to the claimant or claimants, and
- (b) As soon as the provisional family pension has been paid for a period of six months, or for the period extended under the proviso to sub-rule (1) of rule 78 as the case may be.
- (10) If the claimant desires the payment of provisional family pension or of gratuity or of both through money order or bank draft the same shall be remitted to him through money order or bank draft at his cost.

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

**Authorisation of final family pension and balance of gratuity in respect of a deceased non-gazetted government servant.**

78. (1) On receipt of the documents referred to in sub-rules (3) and (4) of rule 77, the Audit Officer shall within a period of six months from the date of death of the non-gazetted government servant, apply the requisite checks, records his audit enhancement on Section I of Part Iv of Form 11 and assess the amount of family pension and gratuity.

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

- (2) (a) If the family pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.
- (b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

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

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

(b) The amount of gratuity held over, under sub-rule (4) of rule 75, shall be adjusted by the Audit Officer against government dues ascertained and assessed subsequently and the balance if any, shall be released to the claimant or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 74.

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

(4) The fact of the issue of the Pension Payment Order and order for the payment of balance of the gratuity shall be promptly reported to the Head of Office and the documents which are no longer required shall be returned to him.

(5) The Audit Officer may authorise the payment of balance of the gratuity even during the period of the currency of provisional family pension.

Provided that the amount of gratuity has been assessed and no recovery of dues is outstanding against the deceased Government servant.

(6) If the final family pension and the balance of the gratuity are payable in another circle of audit, the Audit Officer shall send a copy of Form 11 along with the audit encasement and the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity.

Provided that adjustment of provisional family pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the provisional payments were made.

(7) If the amount of provisional family pension drawn and disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount of the balance of the gratuity, if any, or recover the excess amount by short payment of family pension payable in future.

(8) if the amount of gratuity disbursed by the Head of Office powers to be larger than the amount family assessed by the Audit Officer, the gratuitant shall not be required to refund the excess.

**Payment of family pension and death-*cum*-retirement gratuity when a government servant dies while on deputation to a State Government or while on Foreign Service.**

79. In the case of a government servant who dies while on deputation to a State Government or while on foreign service, action to authorise payment of family pension and death-*cum*-retirement gratuity in accordance with the provisions of this chapter shall be taken by the Audit Officer or the Head of Officer, as the case may be, of the cadre authority which sanctioned the deputation of the government servant to the State Government or to foreign service.

**CHAPTER XI**

**SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY OF DECEASED PENSIONERS**

**Sanction of family pension and residuary gratuity on death of a pensioners**

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

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

(2) Where on the death of a retired government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of rule 40, the head of Office shall sanction its payment on receipt of a claim or claims in Form 13 from the person or persons eligible to receive the residuary gratuity.

**Authorisation of payment by Audit officer**

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

**71**  
**CHAPTER XII**

**RE-EMPLOYMENT OF PENSIONERS**

82. Re-employment of pensioners is normally not permissible except on public grounds and under exceptional circumstances. An officer who has retired on superannuation or retiring pension, on re-employment, is not eligible for a second pension in respect of his service after re-employment. But in the event of re-employment in a pensionable service after he has retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, he may count his former service for future pension under certain conditions, which are detailed below:-

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

- (a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service, or
- (b) to cease to draw his pension or refund the gratuity, including the death-cum-retirement gratuity, if any as the case may be, and count his previous service as qualifying service in which case the pension intermediately drawn shall not be required to be refunded.

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

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

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

*Note*—The capital value of pension shall be calculated in accordance with the table prescribed by the Governor under the Civil Pensions (Commutation) Rules applicable at the time of the second or final retirement.

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

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

(5) In the case of a government servant, who having elected to refund the gratuity, dies before the entire amount is refunded the amount of un-refunded gratuity shall be adjusted against the death-*cum*-retirement gratuity which may become payable to his family.

83. (i) After compensation or invalid gratuity—

A government servant who has obtained a compensation or invalid gratuity may either retain his gratuity in which case his former service shall not count as qualifying service for future pension or refund it and count his previous service for future pension.

The option should be exercised within three months of the date of issue of the order of substantive appointment. He should refund the gratuity received in respect of his earlier service in monthly instalment not exceeding 36 in number the first instalment beginning from the month following the month in which he exercised the option. The right to count the pension does not revive till the whole amount is refunded.

(ii) After compensation or invalid pension--

The government servant has a two-fold option. He may either retain his pension in which case fresh service will be reckoned separately for a future pension or he may stop receiving pension from the date of re-employment in which case his past service will be added to the present service for purposes of future pension. Pension drawn prior to re-employment need not be refunded. The time limit for exercising this option is three months from the date of issue of order of substantive appointment.

In both cases referred to above, the total of the pensionary benefit for the old and new services is limited to the pensionary benefit that would be admissible if the whole service had been reckoned as one.

It may also be made clear that the re-employment of government servant retired on superannuation or retiring pension in substantive capacity does not arise as they are obviously advanced in age. They are treated as temporary Government Servant for all purposes and cannot earn any pension in respect of their fresh service.

84. An Officer who is in receipt of superannuation or retiring Pension and/or gratuity shall not be re-employed or continued to be employed in service paid from the consolidated Fund of the State or from a local fund, except on public grounds. Sanction to re-employment or extension of the terms of re-employment may be given—



- i) By the Governor;
- ii) By any authority

To whom the Governor may delegate his powers under this rule in respect of pensioners re-employed in establishment under the control of such authority.

85. The authority competent to fix the pay and allowances of the post in which the pensioner is re-employed shall determine whether his pension shall be held wholly or in part in obedience. If the pensioner is drawn wholly or in part such authority shall take the fact into account in fixing the pay to be allowed to him.

### **Commercial employment after retirement**

86. (1) If a pensioner who immediately before his retirement was a member of State Service Class I, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance and no pension shall be payable to a pensioner who accepts a commercial employment without such sanction in respect of any period for which he is employed or such longer period as the Government may direct.

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

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

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

- (a) The nature of the employment proposed to be taken up and the antecedents of the employer;
- (b) Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;

- (c) Whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favour to such employment;
- (d) Whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;
- (e) Whether his commercial duties will be such that his previous official position or acknowledge or experience under Government could be used to give the proposed employer an unfair advantage;
- (f) The emolument offered by the proposed employer and
- (g) Any other relevant factor.

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

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

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

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

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

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

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

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

(8) In this rule—

(a) The expression “commercial employment” means:-

- i) An employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial, or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government;
- ii) Setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner—
  - A. Has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or
  - B. Has professional qualifications but on the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or
- iii) Has to undertake work involving liaison or contact with the offices or officers of the Government.

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

(b) the expression “date of retirement” in relation to a government servant re-employed after retirement, without any break, or in any other equivalent post under a State Government means the date on which such Government servant finally ceased to be re-employed in Government service.

## CHAPTER XIII

## PAYMENT OF PENSION

87. **Date from which pension become payable**—(1) Except in the case of a government servant to whom the provisions of rule 36 apply and subject to the provisions of rules 9, 58 and 64 a pension other family pension shall become payable from the date on which a government servant ceases to be borne on the establishment.

(2) Pension including family pension shall be payable for the day on which its recipient dies.

88. **Currency in which pension is payable**—(1) Except as otherwise provided in this rule, all pensions shall be payable in rupees in India.

(2) In the case of non-Indian government servant who on retirement takes up his residence outside India, the payment of pension and rate at which it should be paid shall be governed by the rules made by the Government of India, in this behalf from time to time for their pensioners.

89. **Manner of payment of gratuity and pension**—(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump-sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

90. **Application of Treasury Rules**—Save as otherwise provided in these rules the Treasury Rules, shall apply in regard to the procedure of payment:-

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

**CHAPTER XIV**  
**MISCELLANEOUS**

91. **Interpretation**—Where any doubt arises as to the interpretation of these rules; it shall be referred to the Government in Finance Department for decision.
92. **Power to relax**—Where any department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, the State Government may by order for reasons to be recorded in writing dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

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

93. **Repeal and saving**—(1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such ceasing of operation—

- (a) (i) every nomination for the payment of death-cum-retirement gratuity, or of non-contributory family pension.

(ii) every form regarding the details of family of a government servant for the purposes of contributory family pension, which a government servant had given under the old rules shall be deemed to have been made or given under the corresponding provisions of these rules;

(b) any nomination for the payment of death-cum-retirement gratuity or of non-contributory family pension, any form regarding the details of family of a government servant for the purpose of contributory family pension required to be made or given by the government servant under the old rules but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

(c) any case which pertains to the sanction of pension to a government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;

- (d) any case which pertains to the sanction of death-*cum*-retirement gratuity and family pension to family of a deceased government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made.
- (e) Subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rules shall be deemed to have been done or taken under corresponding provisions of these rules.

## PENSION RULES FORMS

Sl. No.	Form	Pages
1	Nomination for Death- <i>cum</i> -Retirement Gratuity—  When the Government servant has a family and wishes to nominate one member, or more than one member thereof.	81-83
2	Nomination for Death- <i>cum</i> -Retirement Gratuity—  When the Government servant has no family and wishes to nominate one person, or more than one person.	83-85
3	Form for Sanctioning Pension                    ...                    ...	-86
4	Form for Assessing Pension and Gratuity    ...                    ...	87-91
5	Form of Memo to the Audit Officer forwarding the Pension papers of a Government servant.	92-93
6	Form of Surety Bond                    ...                    ...                    ...	93-94
7	Form of Intimation for family Pension.                    ...                    ...	95-96
8	Form of Application for Family Pension                    ...                    ...	96-97
9	Form of Sanctioning Family Pension                    ...                    ...	98-99
10	Form of Certificate of verification of service for pension	100-101
11	Form of Assessing and Sanctioning Family Pension and Death- <i>cum</i> -Retirement Gratuity when a Government servant dies while in service.	102-108
12	Form of letter to the Audit Officer forwarding papers for the grant of Family Pension and Death- <i>cum</i> -Retirement Gratuity to the family of a Government servant who dies while in service.	109-110
13	Form of Application of the Grant for Residuary Gratuity on the death of a pensioner.	111-112
14	Form of Medical Certificate                    ...                    ...                    ...	-113
15	Indemnity Bond                    ...                    ...                    ...	114-116
16	Form of bond of Indemnity for drawing of D.C.R.G. where there is no nomination or nomination does not subsists.	117-119

Sl. No.	Form	Pages
17	Details of Family ... ..	120-121
18	Annual superannuation Statement ... ..	-122



**FORM 1**

(See Rule 43)

**Nomination for Death-cum-Retirement Gratuity**

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

I .....hereby nominate the person/persons mentioned below who is/are member (s) of my family, and confer on him/them the right to receive, to the extent specified below any gratuity that may be sanctioned by the Government in the event of my death while in service or after retirement.

Original nominee (s)				Alternate nominee (s)	
Name and Addresses of nominee/no minees.	Relationship with the Government servant	Age	Amount of share of gratuity payable to each.	Name, address, relationship and get age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity.	Amount of share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)

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

*Note--* (i) The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.  
(ii) Strike out if not applicable.

Date this ..... day of ..... 19, at.....

Witnesses to signature: .....

Signature of Government Servant

1. ....
2. ....

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

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

(To be filled in by the head of Office/Audit officer)

Nomination by ..... ..

Signature of Head of  
office/Audit Officer

Designation .....

Date .....

Office .....

Designation .....

PRO-FORMA FOR ACKNOWLEDGING THE RECEIPT OF THE NOMINATION FORM  
BY THE HEAD OF OFFICE/AUDIT OFFICER

To

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

I acknowledge the receipt of your nomination, dated the ...../cancellation dated the ..... of the nomination made earlier in respect of gratuity in Form ..... and state that it has been duly placed on record.

Place ..... ..

Dated the..... Signature of Head of Officer/

Audit Officer,

(Designation)

*Note--* The Government servant is advised that it would be in the interest of his nominees, if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that may come into the possessions of the beneficiaries in the events of his death.

**Form 2**

(See Rule 43)

**Nomination for Death-cum-Retirement Gratuity**

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

I..... having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the State Government in the event of any death while in receive or after retirement:-

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

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

- Note--*
- (i) The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.
  - (ii) Strike out if not applicable.

Date this ..... day of ..... 19, at.....

Witnesses to signature:

1. ....
2. ....

.....  
Signature of Government  
Servant

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

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

(To be filled in by the head of Office/Audit officer)

Nomination by ..... ..

Signature of Head of  
office/Audit Officer

Designation .....

Date .....

Office .....

Designation .....

PRO-FORMA FOR ACKNOWLEDGING THE RECEIPT OF THE NOMINATION FORM  
BY THE HEAD OF OFFICE/AUDIT OFFICER

To

.....

.....

.....

I acknowledge the receipt of your nomination dated the...../cancellation, dated the.....of the nomination made earlier in respect of gratuity in Form.....and to state it has been duly placed on record.

Place.....

Dated the.....

.....

Signature of Head of Office/Audit  
Officer. (Designation)

---

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

Form 3

Form for Sanctioning Pension

[See rule 62 (b) 67, 72 (7)]

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

Name of the Government servant .....

Father's name (and also husband's name in the case of a female Government servant).....

Present or last appointment, including name of establishment .....

Orders of the pension sanctioning authority—(to be filled in only when pension is reduced).

(a) The undersigned "having satisfied himself/has been directed to state, that the service of Shri/Shrimati/Kumari.....has not been thoroughly satisfactory" hereby orders/ and to say, that the full pension or gratuity or both which may be accepted by the Audit Officer as admissible under the Meghalaya Civil Services (pension) Rules, 1983 shall be reduced by the specified amount or percentage indicated below—

Amount of reduction in the pension.....

Amount of reduction in the gratuity.....

The grant of pension of gratuity shall take effect from.....

(b) This order is subject to the condition that if the amount of pension as authorised be afterwards found to be in excess of the amount of which the Government servant is entitled under the Meghalaya Civil Services (pension) Rules 1983, he/she shall be called upon to refund such excess.

(c) The pension and gratuity are chargeable to the Head of Account.....

Place.....

Dated the.....

Signature and designation  
of the Head of Office.

\*Strike out whichever is not applicable.

**FORM 4**

**Form for Assessing Pension and Gratuity**

(Rules 61, 62, 65, 67 and 72)

**PART I**

1. Name of the Government servant.....
2. Father's name (and also husband's name in the case of a female Government servant).....
3. Date of birth (by Christian Era).....
4. Religion and nationality.....
5. Permanent residential address showing village/town, district and state.....
6. Present or last appointment including name of establishment.....
7. Date of beginning of service.....
8. Date of ending of service.....
9. (i) Total period of military service for which pension/gratuity was sanctioned.....  
  
(ii) Amount and nature of any pension/gratuity received for previous civil service.....
10. Amount and nature of any pension/gratuity received for previous civil service.....
11. Government under which service has been rendered in order of employment.....
12. Interruption and non-qualifying service.....
13. Length of qualifying service.....
14. Class of pension or service gratuity applied for by the Government servant and cause of application. (In case of invalid pension, medical certificate to be attached).
15. Emoluments reckoning for gratuity.....
16. Average emoluments reckoning for pension.....
17. Proposed pension.....

18. Proposed death-*cum*-retirement gratuity.....
19. Proposed service gratuity, if any.....
20. Date from which pension is to commence.....
21. Whether nomination made for Death-*cum*- retirement Gratuity.
22. Whether the Government servant has paid all the Government dues.
23. At enhanced rate of..... from..... to..... at normal rate of.....from..... to.....
- (i) Complete and up-to-date details of family is given in form 3:-

Serial number	Name of the member of family	Date of birth	Relationship with Government servant
1	2	3	3
1.			
2.			
3.			
4.			

24. Height ... ..
25. Identification marks ... ..
26. Place of payment of pension/gratuity (Treasury or Sub-Treasury). .....
27. Head of Account to which pension and gratuity, are debitale. ....

Place.....

Dated the.....

.....

Signature of  
Head of Office/Audit  
Officer



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**PART II**  
**Section I**

Emoluments drawn during the last 12 months of service				
Post held	From	To	Pay	Personal/Special Pay
1	2	3	4	5
Average emoluments				

In a case where the last 12 months include some period not to be reckoned for calculating average emoluments of an equal period backwards has to be taken for calculating the average emoluments.

**Section II**

Details of non-qualifying service

	Y.M.D	From	To
1. Interruption (S)			
2. Any other service not treated as qualifying			Total

**Section III**

1. Period of service not verified with reference to a quittance Rolls.
2. Whether the above period has been verified in accordance with the provisions of rule 61 of the Meghalaya Civil Service (Pension) Rules, 1983.

**PART III**  
**Section I**

Audit enforcement

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

*Note--* Service for the period commencing from..... and up to the date of retirement has not yet been verified; this would be done before the pension payment order is issued.

2. Amount of superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity; that has been admitted.

3. Amount of superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity, admissible after taking into account reduction if any, in pension and gratuity made by the pension sanctioning authority.
4. The date from which superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity is admissible
5. Head of Account to which superannuation/retiring/invalid/compensation/compulsory retirement pension/gratuity is chargeable.
6. The amount of family pension becoming payable to the entitled members of the family in the event of death of the Government servant after retirement;

At enhanced rate of.....P.M. From..... To.....

At normal rate of.....P.M. From..... To.....

Accounts Officer  
Assistant Accountants General.

SECTION II

1. Name of the Government servant.....
2. Class of pension or gratuity.....
3. Amount of pension sanctioned.....
4. Amount of gratuity sanctioned.....
5. Date of commencement of pension.....
6. Amount of family pension admissible in the event of the death of the Government servant after retirement;  
at enhanced rate .....  
at normal rate.....
7. Amount recoverable from gratuity under sub-rule 2 (b) of Rule 73 of the Meghalaya Civil Service (Pension) Rules, 1983.
8. The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Government dues.

.....  
**PART VI****Instructions:**

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

FORM 5

Form of Memo to the Audit Officer forwarding the Pension papers of a Government Servant

(See Rule 67)

No. ,,.....
Government of Meghalaya
Department/Office.....
Dated the.....

To

The Accountant-General, Meghalaya,

.....
.....

SUBJECT-Pension papers of Shri/Shrimati/Kumari.....
for authorisation of pension.

The pension papers (as detailed in the list of enclosures) of Shri/Shrimati/Kumari..... of this Officer/Department are forwarded herewith for further necessary action.

2. The receipt of the letter may be acknowledged.

Head of Office.

List of Enclosures

- 1. Form 4 along with Form 3 containing the orders of the pension sanctioning authority, if necessary.
2. Medical certificate for invalidation (if the claim is for invalid pension).
3. Service Book.
4. Memorandum of average emoluments is reckoning for pension.
5. (a) Two specimen signature, duly attested by gazetted Government servant or in the case of pensioner not literate enough to sign his name two slips bearing the left hand thumb and finger impressions, duly attested by a gazetted Government servant, and

- (b) Three copies of passport size joint photograph with wife/husband duly attested by the Head of Office.
- (c) Two slips showing the particulars of height and identification marks, duly attested.
- 6. Explanation for delay, if any, beyond one month from the date of retirement of the Government servant in forwarding Forms 4 and 3 when necessary.
- 7. When the fact of service in another office, is not satisfactorily attested the Service Book, duly certified abstract from the Head of Office.
- 8. Written statement, if any, of the Government servant as required by rule 66 of the Meghalaya Civil Service (Pension) Rules, 1983 duly admitted by the Head of Office.

Only two copies of passport size photograph of Government servant need be furnished:

If a Government servant is Compulsory retired, the Head of Office may forward the pension papers to the Audit Officer even in the absence of papers at serial No. 5.

*Note--* Pardanashin Ladies are exempted from joint photograph. In such a case declaration that applicant is pardanashin lady shall be enclosed.

**FORM 6**

**Form of Surety Bond**

(See Rule 74)

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

I hereby also stand surety for any amounts that may be due by said..... to the Government by way of over payment of pay, allowances, leave salary, advance, house building or other purpose, or any other dues.

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

The guarantee shall remain in force till, (i) the "No Demand Certificate" is issued by the PWD/PHED in favour of the said.....

(ii) The Head of Office in which the said..... was last employed, and in case he/she was drawing pay and allowances on gazetted Government servant bill form the concerned Audit Officer, has certified that nothing is new due to the Government from the said.....

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

.....

Signature of the surety.

Signed and delivered by the said surety at.....this.....day of.....in the presence of—

1. Signature.....  
Address and occupation of witness.....  
.....

2. Signature.....  
Address and occupation of witness.....  
.....

Certified that Shri/Shrimati.....is a permanent Government servant. He/she shall not attain the age of superannuation within 2 years from the date he/she stand surety.

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

This bond is hereby accepted

.....

Signature and Designation for  
and on behalf of the Governor of  
Meghalaya.

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**FORM 7**

(See rule 53, 75)

**(Pension)**

**Form of Intimation for family Pension**

No.

Government of Meghalaya

.....Department

Office of the.....

Dated.....The.....

**SUBJECT:- Payment of family Pension in respect of Shri/Shrimati .....**

**.....under the Family Pension Scheme, for Meghalaya  
Government Employees (Rule 44 of the Meghalaya Service (Pension) Rules, 1983).**

The undersigned has learnt with regret the death of late Shri/Shrimati.....

.....

(Designation)

In this Office/Department and is directed to inform you that under provisions of the Family Pension Scheme, for Meghalaya Government Employees you are entitled to Family Pension for life or till remarriage whichever is earlier/till attaining the maturity.

I am according to suggest that formal claim for the grant of family pension may be submitted by you in the enclosed Form of Application in Form No. 8 (Pension) along with the following documents:-

1. Death certificate.
2. Three copies of a passport size photograph duly attested by a gazetted officer.
3. Guardianship certificate where pension is admissible to the minor children.

Signature.....

(Designation).....

To

Shri/Shrimati.....

.....

.....

**FORM 8**

(See Rule 53, 75)

**(Pension)**

**Form of Application for family Pension**

Application for a family pension for the family of late  
Shri/shrimati/.....

(Designation)

In the Office/Department of.....

1. Name of the applicant.....
2. Relationship to the deceased Government servant/pensioner.....
3. Date of retirement, if the deceased was a pensioner.....
4. Date of death of the Government servant/pensioner .....
5. Names and ages of surviving kindred of the deceased.....

Name	Date of birth (by Christian era)
------	-------------------------------------

Widow/Widower.....

Son.....

Unmarried daughters.....

6. Name of Treasury/Sub-treasury at which payment is desired.

7. Descriptive Roll of.....  
widow/widower/guardian of the minor children of late.....



- i) Date of birth (by Christian era).....
- ii) Height.....
- iii) Personal marks, if any, on hand or face.....
- iv) Signature or left hand thumb and finger impressions:-  

Small	Ring	Middle	Index	Thumb
finger	finger	finger	finger	

8. Full Address of the applicant.....

9. The following documents are also enclosed:-

- i) Death certificate.....
- ii) Three copies of a passport size photograph duly attested by a gazetted officer.....
- iii) Guardianship certificate where pension is admissible to the minor children.....

10. Signature or left hand thumb and finger impression.....in the case of those who are not literate enough to sign their names.

(1).....	(1).....
.....	.....
(2).....	(2).....

---

*Note:--* The Descriptive Roll (Column 7) and signature or left hand thumb and fingers impressions accompanying application for family pension should be in duplicate (in two separate sheets) and attested by two gazetted officers, or persons of respectability in the town, village, or pargana in which the applicant resides.

**FORM 9**

(See Rule 53)

**(Pension)**

**Form for Sanctioning Family Pension**

(Under the Family Pension Scheme)

1. Name of the Government servant.....
2. Father's name (and also husband's name in the case of a woman Government servant).....
3. Religion and Nationality.....
4. Last appointment held including name of establishment.....
5. Date of beginning of service.....
6. Date of ending of service.....
7. Substantive appointment held.....
8. Pension Rules opted/eligible.....
9. Length of continuous qualifying service prior to death.....
10. 'Pay' (as defined in Note I below rule 46 Family Pension Scheme).....
11. Amount of family pension admissible.....
12. Date from which pension is to commence.....
13. Period up to which the family pension is to continue.....
14. Place of payment (Government Treasury or Sub-Treasury).....

The undersigned having satisfied himself of the above particulars of late Shri/Shrimati.....hereby orders the grant of a family pension of Rs. P. Only (Rupees.....only) per mensem to Shri/Shrimati..... Address.....which may be accepted by the Audit Officer as admissible under the rules.

.....

(Signature)

.....

.....

(Designation of the Sanctioning Authority)

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**FORM 10**

[See rule 26 (10)]

**Form of Certificate of verification of service for pension**

No.....

Government of Meghalaya

Office of.....

Department of.....

**Memorandum**

Dated.....

It is certified, in consultation with the Audit Officer, that  
Shri.....has completed a qualifying service of.....years

(name and designation)

Months and.....days as on.....as per details given below.

(date)

The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. This verification is subject to final verification of qualifying service which shall be made at the time of the retirement of the Government servant.

From To

**DETAILS OF QUALIFYING SERVICE**

- 1.
- 2.
- 3

Signature of Audit Officer/

Head of Office.

To

Shri.....

(Name and designation)

To be retained in the case of a non-gazetted Government servant.

FORM II

(See rule 75, 77, 78)

**Form for Assessing and Sanctioning Family pension and Death-Cum-Retirement Gratuity when a Government servant dies while in service.**

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

1. Name of the deceased Government servant.....
2. Father's name (and also husband's name in the case of a female Government servant).....
3. Date of birth (by Christian era).....
4. Date of death (by Christian era).....
5. Religion and nationality.....
6. Office/Department in which last employed.....
7. Appointment held last—
  - i) Substantive                    ...                    .....
  - ii) Officiating                    ...                    .....
  - iii) Temporary                    ...                    .....
8. Date of beginning of service                    ...                    .....
9. Date of ending of service                    ...                    .....
10. (i) Total period of military service for which pension/  
gratuity was sanctioned .....
- (ii) Amount and nature of any pension/gratuity received  
for the military service .....
11. Amount and nature of any pension received for previous  
civil service if any .....

12. Government under which service has been rendered in order of employment. ....
13. Interruption and non-qualifying service .....
14. Length of qualifying service .....
15. Emolument reckoning for gratuity .....
16. Proposed death-*cum*-retirement gratuity .....
17. Whether nomination made for ---
- i) Death-*cum*-retirement gratuity .....
- ii) Family pension, if applicable .....
18. If family pension applies and the Government servant had rendered more than 20 years, qualifying service. ....
- i) “Average emoluments” for pension if the Government servant would have retired on the date following the date of his death has he remained alive. ....
- ii) Proposed pension ... ..
19. Persons to whom family pension is payable .....
- Name ... ..
- Relationship with the deceased Government servant. ....
- Full postal Address ... ..

20. Persons to whom death-*cum*-retirement gratuity is payable—

Sl. No.	Name	Amount of the share of the death- <i>cum</i> -retirement gratuity	Relationship with the deceased	Full postal Address
(1)	(2)	(3)	(4)	iv)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

21. Name of the guardian who will receive payment of family pension and death-*cum*-retirement gratuity in the case of minors. ....
22. Government dues, if any, outstanding against the deceased Government servant. ....
23. Head of account to which family pension and death-*cum*-retirement gratuity are debitible. ....
24. Name of the Treasury or Sub-Treasury where the payment of family pension and death-*cum*-retirement gratuity is desired. ....

Place.....  
 Dated the.....  
Signature of the Head of Office/Audit Officer.

**PART II**  
**Section I**

(To be filled in, if family pension is admissible)  
 Emoluments drawn during the last 12 months

Post held	From	To	Pay	Personal/Special Pay
(1)	(2)	(3)	(4)	(5)

Average emoluments



In a case where the last 12 months include some period not to be reckoned for calculation average emoluments of all equal period backwards has to be taken for calculating the average emoluments.

**Section II**

Details of non-qualifying service—

- |  |     |     |  |
|--|-----|-----|--|
| 1. Interruption                                | ... | ... |  |
| 2. Any other service not treated as qualifying |     |     |  |

**Section III**

Period of service not verified with reference to the .....  
 Acquittance Rolls.

Whether the above period has been verified in .....  
 Accordance with the provisions of sub-rule  
 3(a) of rule 66 of the Meghalaya Civil Services  
 (Pension) Rules, 1983.

**PART III**

Order for grant of reduced gratuity and family  
 pension if applicable.

The undersigned having satisfied himself/have been directed to state that the service of the late Shri/Shrimati/Kimari..... was not thoroughly satisfactory hereby orders/and to say that the amount of gratuity and family pension, if applicable, as may be accepted by the Audit Officer under Meghalaya Civil Service (Pension) Rules, 1983 shall be reduced by the amount specified below before any authority for payment is issued to the period(s) mentioned in Part I of the Form.

Amount of reduction in the gratuity .....

Amount of reduction in family pension, if applicable.      Amount of reduction in

The grant of gratuity or of family pension or of both shall take effect from.....

Place.....

Dated the.....

.....  
Signature and designation of  
Head of Office.

**PART IV**  
**Section I**

Audit Enforcement—

1. Total period of qualifying service which has been accepted for:

i) Death-*cum*-retirement gratuity .....

ii) Family pension .....

*Note--* Service for the period commencing .....  
From .....and up to the date of  
death has not yet been verified:  
this should be done immediately  
and audit office informed.

2. Reduction ordered by pension sanctioning authority. ....

3. Net amount of death-*cum*-retirement gratuity .....  
after taking into account the reduction mentioned  
in item 2 and other government dues.

4. Amount of family pension—

i) If death took place before seven years of .....  
service.

ii) If death took place after seven years of .....  
service, the period of tenability of the  
enhance pension and normal pension with.

5. Amount of family pension after taking into .....  
account this reduction mentioned in item 2 and  
the period for which it is tenable.

- 6. The date from which finally pension is admissible. ....
- 7. Head of account to which death-*cum*-retirement gratuity and family pension are chargeable. ....

Accounts Officer

Assistant Accountant General

**Section II**

- 1. Name of the deceased Government servant .....
- 2. Date of death of the Government servant .....
- 3. Date of submission of claim by the family of the deceased Government servant .....
- 4. Amount of family pension sanctioned ... ..
- 5. Amount of gratuity sanctioned ... ..
- 6. Amount recoverable from gratuity ... ..
- 7. The amount of gratuity held over for adjustment of unassessed Government dues.

**PART V**

**Instructions—**

- 1. *Average emoluments*: - The calculation of average emoluments, mentioned in item 19 of part I should be based on the actual number of days contained in each month.
- 2. *Details of Service*—All periods not reckoned as service should be distinguished.
- 3. *Identification Marks*—Specify a few conspicuous marks, not less than two, if possible.
- 4. *Name*—When initials of name of the Government servant are or is incorrectly given in the various records consulted, mention this fact in the letter forwarding the pension papers.

5. *Date of death*—Date of death to be indicated in the Service Book and the Last Pay Certificate, if any.
6. *Alterations*—Alterations to be made in red link under dated initials of a gazetted Government servant.

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**FORM 12**

(See Rule 77)

**Form of letter to the Audit Officer forwarding papers for the grant of Family Pension and Death-*cum*-Retirement Gratuity to a Government Servant who dies while in Service.**

(See Rule 67)

No. ,.....  
Government of Meghalaya/  
Department/Office.....  
Dated the.....

To

The Accountant-General,  
Meghalaya,

**Subject:--**Grant of family pension and Death-*cum*-retirement Gratuity.

I am to inform you that Shri.....  
(Designation), died on..... Hid family has become eligible for the grant of family pension and death-*cum*-retirement gratuity. Form 11 duly completed and containing orders of pension sanctioning authority is forwarded herewith for further necessary action.

2. Your attention is invited to the list of enclosures which is forwarded herewith.
3. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instructions for the disbursement of family pension and death-*cum*-retirement gratuity have been issued to the Treasury Officer concerned.

.....  
Head of Office

**List of Enclosures**

1. Specimen signature or left hand thumb and finger impressions of the beneficiary, duly attested.
2. Two attested copies of passport photograph of the beneficiary.

3. Descriptive Roll of the beneficiary, duly attested.

---

\*Delete wherever not required.

Purdanashin ladies are exempted from submission of photograph. In such cases declaration that beneficiary is purdanashin lady shall be enclosed.

**FORM 13**

[(See Rule 80 (2)]

**Form of Application of the Grant for Residuary Gratuity on the death of a pensioner.**

(To be filled in separately by each applicant)

1. Name of the Applicant
2. (i) Name of the guardian in case the applicant is a minor.  
  
(ii) Date of birth of guardian
3. Name of the deceased pensioner
4. Office/Department in which the deceased pensioner served last.
5. Date of death of the pensioner.
6. Date of retirement of the deceased pensioner.
7. Amount of monthly pension (including adhoc increase if any) sanctioned to deceased pensioner.
8. Amount of death-*cum*-retirement gratuity received by the deceased pensioner.
9. The amount of pension (including adhoc increase if any) drawn by the deceased till the date of death.
10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension.
11. Total of items 8, 9, and 10
12. Amount of death-*cum*-retirement gratuity equal to 12 times of the emoluments.
13. The amount of residuary gratuity claimed, i.e., the difference between the amount shown against item 12 and item 11.
14. Relationship of the applicant with the deceased pensioner.
15. Date of birth of the applicant.

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

---

If a retired Government servant is in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including adhoc increase, if any, together with the death-*cum*-retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family.

When a Government servant had retired before earning a pension, the amount of service gratuity should be indicated.

17. Full address of the applicant.

18. Signature or thumb impression of the applicant  
(to be furnished in a separate sheet duly attested)

19. Attested By:--

Name.....Full address.....Signature

(i)

(ii)

20. Witnesses:--

(i)

(ii)

---

Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, village or paragon in which the applicant resides.



FORM 14

[See Rule 34 (3)]

Form of Medical Certificate

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

NOTE (1)-- If the incapacity is the result of irregular or intemperate habits, the following will be substituted for this sentence:-

In my/our opinion his incapacity is directly due to the irregular or intemperate habits/has been accelerated or aggravated by the irregular or intemperate habits.

NOTE (2)-- If the incapacity does not appear to be completed and permanent, the certificate should be modified accordingly and the following addition should be made.

I am/we are of opinion that.....is fit for further service of a less laborious character than that which he had been doing/may, after resting for.....months, be fit for further service of less laborious character than that which he had been doing.

.....

Signature and Designation of

Examining Medical Authority

Dated.....

\*Strike out whichever is not applicable.

FORM 15

Indemnity Bond

[See Rule 41 decision (3)]

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

Signed this.....day of.....one thousand one hundred and.....of the day of .....19

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

AND WHEREAS the said (c).....died on the .....day of.....19 and there was due to him at the time of his death the sum of Rs..... (Rupees.....) for and towards share of his minor son/daughter in the death-cum-retirement gratuity.

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

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

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

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

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties here under shall not be impaired or discharged by reason of time being granted by one forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties shall but for this provisions, have the effect of so releasing the surety/sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHERE OF the Obligor and the surety/sureties here to have set up subscribed their respective hands here unto on the day year above written.

Signed by the above name "Obligor" in the presence of WITNESS.

Signature of Obligor

- 1. ....
- 2. ....

Signed by the above named, Surety/Sureties in the presence of

- 1. ....
- 2. ....

Signature of Surety/Sureties

Accepted for and on behalf of the Governor of Meghalaya by.....in  
the presence of.....

(Name and designation of witness)

.....

Name and designation  
of Officer accepting  
the bond.

Signature of witness

*NOTE 1.*— (a) Full name of the claimant referred to as the “Obligor”

(b) State relationship of the Obligor to the deceased.

(c) Name of the deceased Government Officer.

(d) Full name or names of the sureties with name or names of the father  
(s)/husband (s) and place of residence.

(e) Designation of the officer responsible for payment.

*NOTE 2.*-- The Obligor as well as the sureties should have attained majority so that the  
bond may have legal effect or force.

FORM 16

[See decision (5) under rule 41]

**Form of bond of indemnity for drawing of D.C.R.G where there is no nomination or nomination does not subsists.**

KNOW ALL MEN BY THESES PRESENTS THAT I.....

(a) .....Widow/husband/son/daughter of Shri/Shrimati.....(b)  
 .....residing at.....(c).....  
 (Hereinafter called “the Obligor” which expression shall unless excluded by or repugnant to the context included his/her heirs, executors, administrators and legal representatives) and I/we (I).....(d).....on of.....resident of.....and (2).....(e).....son of.....resident of.....Surety/Sureties on behalf of the obligor (hereinafter called “the surety”/”the Sureties” which expression shall unless excluded by or repugnant to the context includes his their heirs executors, administrator and legal representatives) bind ourselves jointly and severally to pay to the Governor of Meghalaya (hereinafter called “the Government” which expression shall unless excluded by or repugnant to the context includes his successor and assigns) on demand and without a demur a sum of Rs.....(f).....(Rupees.....) for which payment well and truely to be made we bind ourselves firmly by these present.

Dated this.....day of.....19

WHEREAS the aforesaid Shri/Shrimati.....(b)..... at the time of his/her death in the employment of Government and he/his/her family was/is entitled to Death-cum-Retirement Gratuity of Rs.....from the Government AND WHEREAS THE said Shri/Shrimati.....(b)..... died on the.....day of.....19.....and there was/is due to his/her/legal heirs the sum of Rs.....(f)..... (Rupees.....) for Death-cum-Retirement gratuity in respect of his/her said employment.

AND WHEREAS the above bounded obligor..... (a).....claims to be entitled to the said sum as heir of her/his husband/wife/father, the said Shri/Shrimati.....(b)..... but has not obtained letters of administration or a succession certificate to the property and effects Shri/Shrimati.....(b)..... AND WHEREAS the obligor has satisfied the Government that he/she is entitled to the aforesaid sum that it would cause undue delay and hardship if he/she required to produce letters of administration or a succession certificate to the property and effects of the said Shri/Shrimati..... (b).....

AND WHEREAS the Government desire to pay the said sum to the obligor but under Government rules and orders it is necessary that he/she should first execute a bond with one surety/two sureties to indemnity against all claims to the amount so due to the said Shri/Shrimati..... (b).....before the said sum can be paid to the obligor.

NOW THE CONDITION of this bond is such that if after this payment has been made to the Obligor, the Obligor, or the Surety/Sureties shall in the event of the claim being made by any other person against the Government with respect to the aforesaid sum of Rs..... (f)..... (Rupees.....) refund to the Government, the sum of Rs..... (1)..... (Rupees.....) and shall otherwise indemnity and save Government harmless from all liability in respect of the aforesaid sum and all costs incurred in consequence of any claims thereto. THEN the above written bond or obligation shall be void but otherwise the said bond shall remain in full force, effect and virtue.

IN WITNESS WHEREOF the parties hereto have here unto set their respective hands the day and the year first above written.

\* .....

Signed by the above

named obligor in the presence of

\*\* .....

Witness:-

\*\*\* .....

(1).....

(2).....

Signed by the above named surety/sureties in the presence of

Witness:-

(1).....

(2).....

Accepted for and on behalf of the Governor of Meghalaya by.....in the presence of.....

Signature of Witness

Signature and designation.

\*\*\*\* Certified that Shri/Shrimati.....is a permanent Government Servant and he/she shall not attain the age of superannuation within 2 years from the date.....

Signature of Head of Office in which  
Surety/Sureties is employed.

- (a) Full Name of the claimant.
- (b) Name of the deceased Government Servant/Pensioner.
- (c) Full address and place of residence of the Claimant.
- (d) First Surety.
- (e) Second Surety.
- (f) Amount of the claim.

- \*Signature of the Obligator.
- \*\* Signature of the First Surety.
- \*\*\* Signature of the Second t Surety.

Name and designation of the officer directed or authorised, in pursuance of Article 299 (1) of the Constitution, to accept the bond for and on behalf of the Governor of Meghalaya.

Name and designation of witness.

Signature of the officer accepting the bond.

*Note--* The obligor as well as the Sureties have attained majority so that the bond may have legal effect or force.

\*\*\*\* In respect of every surety Certificate shall be obtained.

**120**  
**FORM 17**  
(See Rule 52)  
**Details of Family**

Name of Government Servant \_\_\_\_\_

Designation \_\_\_\_\_

Date of birth \_\_\_\_\_

Date of appointment \_\_\_\_\_

Details of the members of my family as on \_\_\_\_\_

---

Sl. No	Name of the Members of 'family'	Date of birth	Relationship with the Government Servant	Initials of the head of Office	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

- 
- 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
  - 8.
  - 9.
- 

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



Place \_\_\_\_\_

Dated the \_\_\_\_\_

\_\_\_\_\_

Signature of the Government  
Servant

---

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

Details of family—

Filed by \_\_\_\_\_

Designation \_\_\_\_\_

Office \_\_\_\_\_

\_\_\_\_\_

Signature of Head of  
Office

Dated \_\_\_\_\_

Designation \_\_\_\_\_

**FORM 18**

[Rule (56)]

The annual superannuation Statement shall be prepared in following form

**Annual Superannuation Statement**

Statement of officers and staff due to retire on superannuation during the next official year  
19.....

(From 1<sup>st</sup> January to 31<sup>st</sup> December)

Name of establishment(s)/or \_\_\_\_\_

Department(s) \_\_\_\_\_

Sl. No.	Name of Officers	Appointment held			Date of birth	Name of Office/ Department where employed	Date of superannuation	Whether the pensioner has been granted		Provident Fund Account No.	Remarks
		Substantive post and Scale and classification	Official post, scale and classification					Extension for what period	Re-employment and for what period		
1	2	3	4	5	6	7	8	9	10	11	

A.B. SENGUPTA  
22-12-82  
Special Officer,

Class I officers  
Class II officers  
Class III officer

Finance (Revision of Rules and Manual)

Class IV officers

Department.

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