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GOVERNMENT OF ORISSA

# ORISSA PENSION RULES

1977

FINANCE DEPARTMENT



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FINANCE DEPARTMENT

## PREFACE

The State Government so far did not have their Pension Rules in a single codified volume. Provisions of the old Civil Service Regulations and executive instructions issued from time to time used to govern the grant of pensionary benefits under the State Government. Codification of Pension Rules of the State, which was overdue, has now been done.

The burden of drafting these rules has been ably discharged by Shri Binod Bihari Palai, Head Assistant, Shri Girija Shankar Das and Shri Banshidhar Mohanty, Assistants of this Department under the guidance of Shri Nityananda Mishra, Deputy Secretary.

Any error or omission may kindly be brought to the notice of the Finance Department.

S. KANUNGO

*Secretary to Government of Orissa  
Finance Department*

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\* FINANCE DEPARTMENT

NOTIFICATION

The 28th April 1977

S. R. O. No. 282/77—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :—

CHAPTER I

GENERAL

1. (1) These rules may be called the Orissa Pension Rules, 1977.

(2) They shall come into force, with effect from the date of publication of this notification in the Official Gazette.

2. Unless the context otherwise requires,—

(1) "Accountant-General" means the head of the Office of Audit and Accounts subordinate to the Comptroller and Auditor General of India, who keeps the accounts of the State and exercises audit functions relating to those accounts on behalf of the Comptroller and Auditor General of India and includes an Audit Officer and Accounts Officer;

(2) 'Average pay' means average pay as determined in accordance with rule 73;

(3) '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;

(4) "Compensatory allowance" means any allowance granted in consideration of personal expenditure or loss of amenities or private practice necessitated by the special circumstances in which duty is performed and includes travelling allowance;

(5) "Cadre" means the strength of a service or part of a service sanctioned as a separate unit;

(6) "Consolidated Fund" means the Consolidated Fund of India or the Consolidated Fund of a State;

(7) "Day" means a calendar day, beginning and ending at midnight, but an absence from headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(8) 'Family Pension' means contributory family pension admissible under rule 85 and includes non-contributory family pension admissible under rule 77;

(9) "Fee" means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund, whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include :—

(a) Unearned income, such as, income from property, dividends, and interest on securities; and

(b) Income from literary, cultural or artistic efforts if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service;

(10) "Foreign service" means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund;

(11) "Form" means a Form appended to the Schedule;

\* Published in the extraordinary issue of Orissa Gazette No. 586, dated the 1st May 1977.

(12) "Gazetted Government servant" means :—

- (i) A member of any State Civil Service, Class I or Class II or General State Service, Class I or Class II within the meaning of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962; and
- (ii) any other Government servant holding a post which may be specially declared by the Government to be a gazetted post;

(13) "Governor" means the Governor of Orissa;

(14) "Government" means the State Government of Orissa;

(15) 'Gratuity' includes :—

- (i) 'service gratuity' payable under sub-rule (1) of rule 69 and rule 70;
- (ii) 'death-cum-retirement gratuity' payable under sub-rule (1) or sub-rule (2) of rule 74; and
- (iii) 'residuary gratuity' payable under sub-rule (4) of rule 75;

(16) 'Head of a Department' means an authority or person whom the Governor may, by order, specify as Head of a Department;

(17) 'Head of Office' means an authority or person whom the competent authority may, by order, specify as Head of Office;

(18) "Honorarium" means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund as remuneration for special work of an occasional or intermittent character;

(19) "Lien" means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post including a tenure post, to which he has been appointed substantively;

(20) "Local Fund" means—

- (a) revenue administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or in regard to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, the enactment of the leave, pension or similar rules; and
- (b) the revenue of any body which may be specially notified by the State Government as such;

(For list of Local Funds, see Appendix 2)

(21) 'minor' means a person who has not completed the age of eighteen years;

(22) "Month" means a calendar month;

*Explanation 1*—In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently;

*Explanation 2*—In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April and 20 days on 14th May. In the same way the period from the 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from the 30th January (or from the 31st January or 1st February) ends on the last day of February;

(23) "Officiating" in relation to a Government servant means officiating in a post when he performs the duties of a post on which another person holds a lien and includes a Government servant officiating in a vacant post on which no other person holds a lien; and the word "officiate" shall be construed accordingly;

(24) 'Pay' means the pay as defined in rule 33 of the Orissa Service Code;

(25) "Pension" includes gratuity except when the term pension is used in contradiction to gratuity;

(26) 'Pension Sanctioning Authority' means the authority competent to sanction pension under rule 144;

(27) "Person" includes any company or association or body of individuals whether incorporated or not;

(28) "A permanent Government servant" means a Government servant who holds a lien on a permanent post or would hold a lien on such a post had his lien not been suspended;

(29) "Permanent Post" means a post carrying a definite rate of pay and sanctioned without limit of time;

(30) "Personal Pay" means additional pay granted to a Government servant—

(i) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post, due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(ii) in exceptional circumstances, on other personal considerations;

(31) "Probationer" means a Government servant appointed on probation in or against a permanent post in a cadre;

(32) "Qualifying Service" means service rendered by a Government servant which qualifies for the grant of pension from the Consolidated Fund in accordance with the provisions of these rules;

(33) "Retirement" means discharge of an Officer on pension and/or gratuity as admissible under the rules in Chapter VI ;

(34) 'retirement benefits' includes pension or service gratuity, and death-cum-retirement gratuity, where admissible ;

(35) "Schedule" means the Schedule appended to these rules ;

(36) "Special Pay" means an addition of the nature of pay to the emoluments of a post or of a Government servant granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific and significant addition to the work or responsibility ; or

(c) the unhealthiness of the locality in which the work is performed ;

(37) "Substantive Pay " means the pay other than special pay, personal pay or emoluments classed as pay to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre ;

(38) (a) "Temporary Post" means a post carrying a definite rate of pay and sanctioned for a limited time ;

(b) "Temporary Service" means officiating service either in a permanent or a temporary post ;

(39) "Tenure Post" means a permanent post which an individual Government servant may not hold for more than a limited period. In case of doubt the Government will decide whether a particular post is or is not a tenure post ;

(40) "Treasury" includes a Sub-Treasury ;

(41) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Orissa Service Code.

3. (1) These rules shall apply to all persons appointed to public services and posts in connection with the affairs of the State (hereinafter called the Government servants) except—

(a) Members of the All-India Services;

(b) Persons governed by or under the Contributory Provident Fund Rules;

(c) Employees in the work-charged establishment;

(d) Daily-rated staff paid from contingencies;

(2) 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; 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 the said date, then, within six months of his return from leave whichever is later to opt to be governed by the pension rules to which he was subject immediately before the date of his transfer. The option once exercised under this sub-rule shall be final.

(3) The option referred to in sub-rule (2) above shall be exercised in writing and communicated to the authority competent to make appointment to the service or post to which the Government servant is transferred and the authority making such order of transfer.

4. Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled : —

(a) by or under any law for the time being in force; or

(b) by terms of any agreement subsisting between such person and the Governor at the commencement of these rules; or

(c) to confer on him any right or privilege in respect of any matter for which specific provision is made by the terms of any agreement between such person and the Governor.

5. The other Departments of Government may, after consultation with the Finance Department direct that any power conferred upon them by or under these rules shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised also by any officer or authority subordinate to them.

6. No power conferred upon the other Departments of Government by or under these rules shall be exercised except after consultation with the Finance Department:

Provided that the Finance Department may specify by general or special order, cases in which such consultation shall not be necessary.

7. Except, as otherwise provided in these rules, a Government servant's claim to pension shall be regulated by the rules in force at the time when the Government servant retires or is discharged from service of Government or dies while in such service.

## CHAPTER II

## GENERAL CONDITIONS

8. Every pension shall be held to have been granted subject to the conditions hereinafter contained.

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

(2) The pension sanctioning authority may, by order in writing, withhold or withdraw 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 withheld or withdrawn, the amount of such pension shall not be reduced below the minimum limit.

(3) 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.

10. The Government reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if, in a departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service, rendered on re-employment after retirement:

Provided that—

- (a) such departmental proceedings, if instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be a proceeding under this rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if he had continued in service;
- (b) Such departmental proceedings, if not instituted while he was in services, whether before his retirement or during his re-employment: —
  - (i) shall not be instituted save with the sanction of the Government;
  - (ii) shall not be in respect of any event which took place more than four years before such institution; and
  - (iii) shall be conducted by such authority and in such place as the Government 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;
- (c) no such judicial proceeding, 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 an event which took place more than four years before such institutions; and
- (d) the Orissa Public Service Commission shall be consulted before final orders are passed under this rule.

*Explanation:*—For the purpose of this rule—

- (a) a departmental proceeding shall be deemed to be instituted on the date on which the statement of charges 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) a judicial proceeding shall be deemed to be instituted;
  - (i) in the case of a criminal proceeding, on the date on which the complaint or report of Police Officer on which the Magistrate takes cognizance, is made; and

(ii) in the case of a civil proceeding, on the date of presentation of the plaint in the court :

Provided further that nothing in this rule shall apply to any member of a provincial or subordinate service serving immediately before the 1st day of April, 1936, in connection with the affairs of the Province of Bihar and Orissa, who was required to serve and who is serving in or in connection with the affairs of the State of Orissa.

NOTE—All cases of departmental proceedings instituted under this rule shall be submitted to Government with the report of the departmental enquiry officer. In case Government decide to take further action for withholding or withdrawing pension, the person concerned will be asked to show cause as to why an order under rule 10 shall not be issued. On receipt of the reply, the Orissa Public Service Commission shall be consulted. If as a result of such consideration and consultation, it is decided to withhold or withdraw the pension or a part thereof, necessary orders will be issued by the Government.

11. (1) Where any departmental or judicial proceeding is instituted under rule 10 or where a departmental proceeding is constituted under clause (a) of the proviso thereto against a Government servant who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement, or if he was under suspension on the date of retirement, up to the date immediately preceding the date on which he was placed under suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

(2) The authority competent to sanction pension is the authority competent to sanction provisional pension.

(3) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

(4) Nothing in this rule shall apply to a person who was serving as a member of a Provincial or a subordinate service immediately before the first day of April of 1936 in or in connection with the affairs of the province of Bihar and Orissa and was required to serve and has been serving in connection with the affairs of the State of Orissa.

NOTE—The grant of pension under this rule shall not prejudice the operation of rule 10, when final pension is sanctioned upon conclusion of the proceedings.

12. In the following cases no claim to pension is admitted, namely:—

- (a) When a pensioner's whole time is not retained for public service but he is merely paid for work done for the State, such as, Advocate-General, Government Pleaders and Law Officers not debarred from private practice ;
- (b) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (a) ;
- (c) When a Government servant serves under an agreement which contains no stipulation regarding pension, unless the Government specially authorise him to count such service towards pension ; and
- (d) (i) when a person is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged, and  
(ii) when a person is employed temporarily on monthly wages without specified limit of time or duty.

13. No pension may be granted to a Government servant dismissed or removed from Government service as a disciplinary measure but to such a Government servant compassionate allowance may be granted by Government when he is deserving of special consideration :

Provided that such allowance granted to any Government servant shall not exceed two-thirds of the pension and/or gratuity which would have been admissible to him if he had retired on medical certificate.

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

15. A Government servant cannot earn two pensions in the same post at the same time or by the same continuous service.

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## CHAPTER III

## CONDITIONS OF QUALIFYING SERVICE

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

Provided that nothing contained in this rule shall apply in the case of persons who were in service on the 8th September 1962 and in whose case a lower age-limit had been prescribed.

17. Subject to the provisions herein after contained, the service of a Government servant shall qualify for pension if it conforms to the following three conditions, namely :—

- (1) The service must be under Government ;
- (2) The employment must be in a pensionable establishment post,
- (3) The service must be paid by Government.

18. Notwithstanding anything contained in the provisions of clauses (1) and (2) of rule 17 Government may, in the case of service paid from the Consolidated Fund of the State—

- (a) declare that any class of service shall qualify for pension ; and
- (b) in individual cases, and subject to such conditions as they think fit to impose in each case allow service rendered by a Government servant to count for pension.

19. The service of a Government servant does not qualify for pension unless he is appointed and his duties and pay are regulated by the Government.

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

21. Service on an establishment paid from the house-hold allowances of the Governor does not qualify for pension.

*Explanation*—If an officer has served partly on the house-hold establishment of the Governor, in a capacity which would have given him claim to pension if the service had been paid from the Consolidated Fund of the State, he is entitled from the Consolidated Fund of the State the share of any pension to which he would have been entitled if his whole service had been paid from the Consolidated Fund of the State, proportionate to the length of the service which has been so paid.

22. Service rendered to an ex-State which was merged in the State of Orissa and continued to the Government of Orissa after the date of merger of the ex-State qualifies for pension, subject to the following conditions, namely :—

- (i) If an ex-State employee was serving in a State which had a pension or gratuity system, the period of service which is definitely established as qualifying for pension or gratuity according to the rules of the merged State will only be taken into account :

Provided that where such an employee governed under a gratuity system has received any amount of gratuity in respect of any spell of service rendered to an ex-State, such spell of service shall not count for pension unless he has refunded the said amount with interest at the rate of three per cent per annum calculated from the date of its receipt.

- (ii) If an employee who was under a Contributory Provident Fund system in an ex-State and who, after merger of the State, has come over to the pension system either by exercise, of option or otherwise, the service rendered by him under such system counts for pension :

Provided that the period of service during which such employee did not subscribe to the contributory Provident Fund under the rules of the ex-State applicable to him shall not count for pension :

Provided further that where such employee has withdrawn his accumulations along with the contribution from the ex-State from the said fund in respect of any spell of service such spell of service shall not count for pension unless he has refunded to the State Government the said contribution with simple interest at the rate of three per cent per annum calculated from the date of its withdrawal.

NOTE—The period of Service during which the employee did not subscribe to the Contributory Provident Fund under the rules of the ex-State, whether he was eligible or ineligible to subscribe, shall not count for pension.

- (iii) If a person who was dismissed from service by any State Government or the Government of India had been employed in the service of any ex-State, the service rendered by him in such ex-State shall not count for pension, unless otherwise ordered by Government.

*Explanation*—For the purpose of this rule "ex-State" means an Indian State merger at the State of Orissa on or after the 1st day of January, 1948.

- (iv) If a person was in permanent pensionable service of any ex-State at the time of merger but was continued as a contingency paid or work-charged employee after merger, the period of post-merger service counts for pension under the preceding clauses.

23. (1) Service does not qualify for pension unless it rendered in a pensionable establishment/post.

(2) The entire continuous temporary or officiating service under Government without interruption in the same post or any other post shall count for the purpose of pension in respect of all categories of Government servants except in the following cases :—

- (i) periods of service in a non-pensionable establishment ;
- (ii) periods of service in the work-charged establishment ;
- (iii) periods of service paid from contingencies ;
- (iv) where the employee concerned resigns and is not again appointed to service under Government or is removed/dismissed from public service ;
- (v) a probationer who is discharged for failure to pass the prescribed test or examination and
- (vi) remployed pensioner, Government servant engaged on contract and Government servants not in whole time employment.

(3) Notwithstanding anything contained in sub-rule (1) Government, may by general or special order, prescribe any class of service or post which were previously borne under work-charged establishment or paid from contingencies to be pensionable.

*Explanation*—In case of Government servants holding substantive posts under any other State Government or the Government of India who are permanently transferred to the Government of Orissa, the "temporary or officiating service under Government" includes the temporary or officiating service rendered under other State Government or Government of India as the case may be.

*Exception*—All ex-State employees who were under pension system in the ex-State on the date of merger of the ex-State in the State of Orissa will count the service rendered under Government for pension whether such service is in pensionable or non-pensionable establishment.

24. Service of a probationer who holds office and draws pay in a pensionable post qualifies to such extent and under such conditions as provided for in the rule 23.

25. Service rendered as an apprentice does not count as qualifying service.

26. Except in pensionable establishments, survey and settlement service does not count unless it is followed without interruption by qualifying service.

27. (1) A Government servant on a permanent establishment, detached on temporary duty on the understanding that when the temporary duty ceases he will return to permanent establishment can count his detached service.

(2) If the substantive post held by a Government servant is abolished within the meaning of rule 49 but the Government servant is at the time on special duty or is, on abolition of the said post, deputed on special duty, his service on special duty qualifies for pension but the duty must be special.

28. Service as Secretary to the Governor qualifies for pension provided that the officer before his appointment as such belonged to a civil service of the State or held any civil post under the State.

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29. Service which satisfies the conditions prescribed under the foregoing rules qualifies or does not qualify for pension according to the source from which it is paid. With reference to this rule, service is classified as follows, namely :—

- (a) paid from the Consolidated Fund of a State or Consolidated Fund of India;
- (b) paid from Local Funds;
- (c) paid from Funds in respect of which the Government holds the position of Trustee;
- (d) paid by fees levied by law or under the authority of the Government of service paid by Commission;
- (e) paid by the grant, in accordance with law or custom, of a tenure in land, or of any source of income, or right to collect money.

30. Service paid from the Consolidated Fund qualifies for pension. The fact that arrangements are made by Government for the recovery of the whole or part of the cost of an establishment or officer does not affect the operation of this principle; provided that the establishment or officer is appointed, controlled and paid by the Government.

31. Unless otherwise specifically ordered by Government, service paid from a local Fund or Trust Fund does not qualify for pension.

32. Save as otherwise provided in these rules, service in an office paid only by fees whether levied by law or under the authority of Government or by a Commission does not qualify for pension.

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

## CHAPTER IV

## RULES FOR RECKONING SERVICE

34. Service rendered by an employee belonging to one of the classes mentioned in Explanation-2 below, after attaining the age of 18 years, which is pensionable, under military rules, but which terminates before he attains the age of superannuation, may at his option be allowed to count, when followed by service qualifying for pension under these rules as part of such service, provided that any bonus, gratuity or pension received on discharge from military service shall be refunded in such number of monthly instalments not normally exceeding 36 and beginning from such date, as in each case the Government may decide. Service so allowed to count shall, however, be restricted to service, within or outside the employee's Unit or Department, in India or elsewhere, which has been paid for from the Consolidated Fund of Orissa or for which a pensionary contribution has been received by the Government. The option referred to above should be exercised within a period of three months from the date of confirmation on the civil side.

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

*Explanation 2*—This rule applies to Commissioned Officers, Junior Commissioned Officers, Warrant Officers, Non-Commissioned Officers and other enrolled personnel of the Army, and the corresponding categories of the Navy and Air Force. It also applies to personnel of the Frontier Constabulary and Militaria, non-Combatant departmental and regimental employees and followers of the supplemental service and Warrant Officers and Departmental Officers of the Commissary and Assistant Classes.

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

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

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

*Explanation 6*—Any person who was on other rank, an airman or sailor may, on being permanently appointed, to a post in Civil Police Force or in the Jail Department under Civil Government, be allowed at the discretion of the head of the administration to count—

(a) in full his former colour service, and

(b) half the period of his service in the Reserve. In the Army or Air Force or Navy as the case may be, for the grant of civil pension under the provisions of this rule.

35. Government servants who prior to their appointment had rendered satisfactory paid whole-time enlisted or commissioned "War Service" between the 3rd September, 1939 and the 1st April, 1946 in the Armed Forces of India or similar forces of a Commonwealth country which did not earned a service pension under the Military, Naval or Air Force rules shall be allowed to count such "War Service" including all kinds of leave on full rates of pay and sick leave taken during such service for the purpose of pension under these rules subject to the following conditions, namely:—

(a) Only completed years of said "War Service" shall be allowed to count;

(b) In the case of services in which a minimum age is fixed for recruitment, no war service rendered below that age shall be allowed to count for pension, and in the case of services or posts in which no minimum age is fixed, no portion of "War Service" rendered before attaining the age of 18 shall be allowed to count for pension;

- (c) "War Service" rendered in the armed forces of India or in similar forces of a Commonwealth country shall be allowed to count alike for pension, no contribution towards pension or share of a pension earned as a result of this concession being claimed from the foreign Government;
- (d) No refund of bonus or gratuity paid to the employee in respect of such war service shall be demanded from the employee. If, however, the officer has been granted any retirement gratuity or service covering both the post-war and war period, such gratuity shall be refundable.

*Explanation*—For the purpose of this rule, the service rendered by persons during the period between 3rd September, 1939 to 1st April, 1946 in Civil Defence Departments shall also be treated as "War Service".

36. (1) A person appointed to a service or post under Government after the 23rd November 1962 may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds twenty-five years or a period of five years, whichever is least, if the service or post is one—

(a) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty-five years of age are normally recruited:

Provided that this concession shall not be admissible to any such person unless his actual qualifying service at the time he quits Government service is not less than ten years:

Provided further that any such person, who is recruited at the age of thirty-five years or more may, within a period of three months from the date of his appointment, upto forego his rights to pension where upon he shall be eligible to subscribe to a Contributory Provident Fund.

(2) The option once exercised under this rule shall be final.

(3) The Administrative Department shall, after consultation with the Finance Department and the Orissa Public Service Commission, decide at the time of recruitment, as to whether a person fulfils the conditions specified in sub-rule (1).

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

Provided that in the case of extraordinary leave 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) on medical certificate; or

(ii) due to his inability to join or rejoin duty on account of civil commotion; or

(iii) for prosecuting higher scientific and technical studies.

(2) Periods of unauthorised leave of absence or joining time for which no joining time pay and allowances are admissible do not count for pension.

38. The Government may decide in the case of a Government servant (including a person in training for, but not actually appointed to Government service), who is selected to undergo a course of training, as to whether the time spent on training shall count as service qualifying for pension.

39. When a Government servant is deputed out of India on duty, the whole period of his absence from India counts for pension. When a Government servant on leave out of India is employed or is detained after the termination of his leave, on duty, the period of such employment or detention shall also count for pension.

40. Time spent on the voyage to India by a Government servant who is compulsorily recalled duty, before expiry of leave out of India, counts for pension.

41. Time passed under suspension pending enquiry into conduct counts in full where on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension does not count unless the authority competent to pass orders under rule 91 of Orissa Service Code, expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare.

42. (1) Resignation of public service, or dismissal or removal from it under rule 13 of the Orissa Civil Service (Classification, Control and Appeal) Rules, 1962 entails forfeiture of past service.

(2) Resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service.

(3) In cases where an interruption in service is inevitable due to the two appointments being at different stations, such interruptions, 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 under rule 45 to the extent to which the period is not covered by leave due to the Government servant.

NOTE—"The provision under this rule] is applicable to cases where resignation from service under one department/office is tendered for taking up appointment in another department/office under the Government of Orissa only. It does not apply to cases where the Governments are different.

43. A Government servant who is dismissed, removed or compulsorily retired from public service, but reinstated on appeal or revision is entitled to count his past service:

Provided that the period of break in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count unless regularised as duty or leave with allowances by a specific order of the authority which passed the order of reinstatement.

44. An interruption in the service of a Government servant entails forfeiture of his past service except in the following cases, namely:—

- (a) authorised leave of absence ;
- (b) unauthorised leave of absence in continuation of authorised leave of absence ;
- (c) suspension where it is immediately followed by reinstatement, whether to the same or a different office, or death or retirement of the officer ;
- (d) abolition of the post or loss of appointment owing to reduction of establishment ;
- (e) transfer/deputation to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest ;
- (f) joining time while on transfer from one post to another.

45. Upon such conditions as it may think fit in each case to impose, the authority competent to fill the appointment held by a Government Servant at the time condonation is applied for, where he is to vacate that appointment, may condone all interruptions in his service.

Explanation 1—The powers of condonation specified in rule 45 carry with them the powers of reviving service rendered prior to interruptions but forfeited under rule 42.

Explanation 2—Counting of service towards pension carries with it condonation of break, but the period of interruption of full rate, not count for pension.

Explanation 3—Service absorbed under Government after the merger of the ex-States by a Government of ex-State service prior to the date of merger although India, counts for services in which a minimum or otherwise shall count for pension subject to the conditions of said "Waivees" period of interruption will not count. A no minimum age is fixed for services of 18 shall be allowed.

46. (1) Upon any condition which it may think fit to impose, the authority competent to sanction the pension of a Government servant may condone a deficiency of three months in his qualifying service for pension.

(2) The Administrative Departments of Government may similarly condone a deficiency not exceeding six months.

NOTE 1—The following principles shall be observed while considering cases of condonation of deficiencies:—

- (a) Condonation of a short period of deficiency may ordinarily be allowed where an officer is compelled to retire on invalid or compensation pension.
- (b) Condonation of a short period may also ordinarily be allowed where there has been a fairly long period of continuous non-qualifying service.
- (c) Condonation shall not ordinarily be allowed in any case to an officer retiring after being retained in service beyond the age of compulsory retirement.
- (d) Condonation in the case of an officer whose pension may without such condonation, be Rs. 80 or upwards will require strong justification.

NOTE 2—The word “deficiency” includes not merely the period by which an officer’s qualifying service falls short of the minimum length of qualifying service which would entitle him to a pension, but should be read as including the difference between the total amount of his service qualifying for pension and the total length of service necessary to earn the maximum amount of pension admissible under the rules.

NOTE 3—This rule is not intended to be used to allow a Government servant to retire voluntarily a little sooner than he otherwise could, with an increased pension.

NOTE 4—Grant of Compassionate allowance being an act of grace the grant of any further concession in the shape of a condonation of deficiency shall not be justified and it is undesirable to sanction condonation in such cases.

NOTE 5—The provisions of this rule will not apply to Government servants retiring from service on or after the 1st March 1961, as such Government servants get the benefit of liberalisation in pensionary benefits as a result of the orders issued on the recommendations of the Orissa Pay Committee.

(For delegations under this rule, see Appendix I)

## CHAPTER V

## CONDITIONS OF GRANT OF PENSION

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

48. Pensions for service rendered under Government are classified in the following categories, namely :—

- (a) Compensation pension;
- (b) Invalid pension;
- (c) Superannuation pension; and
- (d) Retiring pension.

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

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

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

*Explanation 1*—For the purpose of this rule 'Emoluments' means the emoluments or leave salary (or partly the one, partly the other) which the Government servant would have received during the period in question had the notice not been given to him.

*Explanation 2*—A permanent Government servant served with notice of discharge shall suffer no reduction in his total emoluments for three months counting from the date of the notice. (For delegations under this rule, See Appendix 1)

51. Rule 124 requiring the refund of compensation gratuity on re-employment applies also to a gratuity awarded under rule 50 if the Government servant is re-employed within three months from the date of notice either permanently or in a temporary capacity with a prospect of continuance for a year, but the Government servant need not refund that proportion of his gratuity which the interval of his non-employment bears to the whole period for which the gratuity is given.

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

53. A Government servant in foreign service shall be held to have lost his lien in Government service from the date on which the post held by him in Government service is abolished. He shall be regarded as having retired from Government service from the said date, and he shall thereafter be entitled to compensation pension.

54. (1) An invalid pension is awarded, on his retirement from the public service to a Government servant who, by bodily or mental infirmity, is permanently incapacitated for the public service or for the particular branch of it to which he belongs.

(2) In case the incapacity is not permanent a Government servant should, if possible, be employed even on lower pay so that the expense of granting him invalid pension may be avoided. If there be no means of employing him even on lower pay, he may be granted invalid pension.

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

*Explanation*—For the purpose of this sub-rule 'irregular or intemperate habits' means incapacity on account of drug habits or on account of diseases resulting from immoral habits.

(4) A Government servant discharged on other grounds has no claim for pension under sub-rule (1) even though he can produce medical evidence of incapacity for service.

55. (1) A Government servant applying for an invalid pension shall submit a medical certificate of incapacity in the manner specified below :—

(a) If the Government servant submitting the application is on leave elsewhere than in India, then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a physician, a surgeon and an ophthalmologist, each of them having the status of a consultant. The services of doctors approved for the officers and staff of the Mission concerned shall be utilised for this purpose provided they fulfil the above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined.

(b) If the Government servant submitting the application is in India, then the examining medical authority shall be—

(i) a Medical Board, in the case of all gazetted Government servants and such of the non-gazetted Government servants whose pay exceeds rupees five hundred per mensem; and

(ii) a Chief District Medical Officer or Medical Officer of equivalent status in other cases.

(c) Except in the case of the Government servant on leave elsewhere than in India, no medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of the Office or Department is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the Head of the Office or Department in which the applicant is employed with a statement of what appears from Official records to be the applicant's age. Where the applicant has a Service Book, the age recorded therein should be reported.

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

(3) If the examining medical officer, although unable to discover any specific disease in the officer considers him incapacitated for further service by general debility while still under the age of fifty-eight years, he should give detailed reasons for his opinion, and, a second medical opinion from a medical officer of equivalent status should always, in such a case, be obtained.

(4) In a case of this kind, special explanation will be expected from the Head of the Office or Department of the ground on which it is proposed to grant invalid pension to the Government servant.

(5) A simple certificate that inefficiency is due to old age or natural decay from advancing year is not sufficient in the case of a Government servant whose recorded age is less than fifty-eight years but a Medical Officer is at liberty, when certifying that the Officer is incapacitated for further service by general debility, to state his reasons for believing the age to be under stated :

Provided that in case of a Government servant suffering from senile cataract, arterial changes consequent on senile decay, general nervous-breakdown, and commencing cataract which diseases may come before a man reaches the fifty-eighth year of his age may be certified to be incapacitated for further service.

(For delegations under this rule, See Appendix I)



(2) The date of compulsory retirement of a Class IV Government servant is the date on which he attains 60 years of age :

Provided that a Class IV Government servant transferred from ex-Bihar and Orissa Government who has attained the age of 60 years but has not completed full 30 years of qualifying service may be retained in service beyond the age of sixty years up to a date within his reaching 65 years, when such retention will add to his qualifying service resulting in increase in pension :

Provided further, a Class IV Government servant of this category who has attained the age of 60 years and has even put in 30 years of qualifying service but has not drawn maximum pay in a time-scale of pay for ten months or more may be retained in service beyond 60 years if that retention will increase his pension. In cases of such extension of service efficiency and physical fitness shall also be taken into consideration as determining factors for grant of extension.

63. A Government servant who has attained the age of superannuation shall retire immediately unless his service is extended by a competent authority. A Government servant who has been granted extension of service may, at his option, retire on superannuation pension, before termination of the period of extension.

64. Except as otherwise provided a retiring pension may be granted to a Government servant who is permitted to retire after completing qualifying service for 30 years or on attaining the age of fifty years.

NOTE—A Government servant may retire from service any time after completing thirty years' qualifying service or on attaining the age of fifty years, by giving a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire or by giving the said notice to the said authority before such shorter period as Government may allow in any case. It shall be open to the appropriate authority to withhold permission to a Government servant who seeks to retire under this rule, if he is under suspension or if enquiries against him are in progress. The appropriate authority may also require an officer to retire in public interest any time after he has completed thirty years' qualifying service or attained the age of fifty years, by giving a notice in writing to the Government servant at least three months before the date on which he is required to retire or by giving three months' pay and allowances in lieu of such notice.

( For delegations under this rule, See Appendix I )

## CHAPTER VI

## RULES FOR DETERMINATION OF AMOUNT OF PENSION

65. The amount of pension that may be granted shall be determined by length of service as set forth in rules 1969 and 1970. Fractions of a year equal to six months and above will be treated as completed six-monthly periods for the purpose of calculation of any pension.

66. A pension including anticipatory pension shall be fixed in rupees. In case where the amount of a pension works out to a certain number of rupees and paise, the amount should be rounded off to the next higher rupee.

67. (1) The full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by that Government servant has been approved by the Pension Sanctioning Authority as satisfactory.

(2) If such service has not been satisfactory, the authority sanctioning the pension may make such reduction in the amount of pension, or gratuity, or both, as that authority may think proper:

Provided that this rule can not be used directly to effect penal recovery but the competent authorities are justified in making proof of specific instance of fraud or negligence by a Government servant, the ground for a finding that his service has not been satisfactory within the meaning of the rule for the purpose of reducing pension:

Provided further that that the amount of pension shall not be reduced below the minimum limit:

Provided also that where pension has already been reduced under rule 10, further reduction may not be made under this rule.

(3) The Orissa Public Service Commission shall be consulted whenever it is proposed to pass an order awarding a pension less than the maximum admissible under the rules.

(4) Whenever an order reducing the pension of a Government servant is passed, the Government servant affected shall have a right of appeal to the authority to whom an appeal from an order of dismissal or removal lies. The appellate authority shall also consult the Public Service Commission before passing an order reducing the pension.

(5) The measure of reduction in the amount of pension shall be to the extent by which the Government servant's service as a whole 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.

NOTE—The service of a Government servant may be presumed to be not satisfactory on account of his failure to satisfactorily account for the possession of pecuniary resources or property disproportionate to his known sources of income.

(6) The reduction referred to in sub-rule (2) shall be of permanent character.

(7) The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.

68. (1) A Government servant who is deputed or transferred to service under a body-corporate owned or controlled by Government or whose services are lent to such a body may, in the event of permanent absorption in service under that body be deemed to have retired from Government service from the date of such absorption and be allowed by the Government, a retirement benefit in respect of his previous pensionable service rendered under Government. The retirement benefit shall be an amount equal to what Government would have contributed excluding interest had he been on Contributory Provident Fund terms under Government together with simple interest thereon at two per cent per annum for the period of his pensionable service and this may be credited to his Contributory Provident Fund Account with the said body as an opening balance on the date of permanent absorption and the Government's liability in respect of his pensionable service under them treated as extinguished by this payment:

Provided that this concession may be allowed by Government only if the permanent transfer is in the public interest, and may not be claimed as a matter of right:

Provided further that the credit to the Contributory Provident Fund Account of the Government servant shall not be given before he has rendered five years' service under that body or before the date on which he would have retired, had he continued in Government service whichever is earlier:

Provided further that the Government shall have no liability for the payment of family pension in such a case.

(2) The provisions of sub-rule (1) may be extended to the cases of Government servants transferred to a body corporate owned or controlled by the Government of India or another State Government.

69. (1) For a Government servant who held a lien or provisional lien or a suspended lien on a permanent pensionable post under the Government or any other State Government or under the Government of India on the 20th December 1946 and while holding such lien under the Government of Orissa on the 20th June 1950 specifically opted in writing at the time of applying for pension for pensionary benefit in the scale prescribed under the Civil Service Regulations in force on the last mentioned date, the amount of pension is regulated as follows:—

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

(b) After a service of not less than ten years a pension not exceeding the following amounts—

Completed six monthly period of service	Scale of pension	Maximum limit of pension	
(1)	(2)	Rs.	Rs.
20	10 Sixtieth of average pay	2,000 a year or	166 2/3 a month
21	10½	2,100	175
22	11	2,200	183 1/3
23	11½	2,300	191 2/3
24	12	2,400	200
25	12½	2,500	208 1/3
26	13	2,600	216 2/3
27	13½	2,700	225
28	14	2,800	233 1/3
29	14½	2,900	241 2/3
30	15	3,000	250
31	15½	3,100	258 1/3
32	16	3,200	266 2/3
33	16½	3,300	275
34	17	3,400	283 1/3
35	17½	3,500	291 2/3
36	18	3,600	300
37	18½	3,700	308 1/3
38	19	3,800	316 2/3
39	19½	3,900	325
40	20	4,000	333 1/3
41	20½	4,100	341 2/3
42	21	4,200	350
43	21½	4,300	358 1/3
44	22	4,400	366 2/3
45	22½	4,500	375
46	23	4,600	383 1/3
47	23½	4,700	391 2/3
48	24	4,800	400
49	24½	4,900	408 1/3
50 and above	30	5,000	416 2/3

Provided that if before retirement he held a lien or a provisional or a suspended lien in a post not lower than a Class II post under the Government of Orissa the amount of pension is regulated as follows :—

(i) For retiring pensions—As above up to 49 completed six monthly periods of qualifying service and thereafter as follows :—

Completed six monthly periods of qualifying service	Scale of pension	Maximum limit of pension	
(1)	(2)	Rs.	Rs.
50	25 Sixtieth of average pay	5,000 a year or	416 2/3 a month
51	25½	5,100	425
52	26	5,200	433 1/3
53	26½	5,300	441 2/3
54	27	5,400	450
55	27½	5,500	458 1/3
56	28	5,600	466 2/3
57	28½	5,700	475
58	29	5,800	483 1/3
59	29½	5,900	491 2/3
60	30	6,000	500

(ii) For other pensions—As above up to 50 completed six monthly periods of qualifying service and thereafter, in the following scale :—

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

(2) In both the cases referred to in sub-rule (1) and the proviso thereof where the Government servant had elected in writing within the date specified therein to receive death-cum-retirement gratuity in lieu of a portion of pension, the amount of pension so calculated shall be reduced by the pension, equivalent of death-cum-retirement gratuity.

*Explanation*—This rule shall not apply to the ex-State employees who have been absorbed in the service of Government after the date of the merger of the ex-States.

70. For Government servants other than those covered by rule 69 the amount of pension is regulated as specified in the table below:—

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs. per annum)
(1)	(2)	(3)
1	(a) Gratuity $\frac{1}{2}$ months pay	...
2	1	..
3	$1\frac{1}{2}$	..
4	2	..
5	$2\frac{1}{2}$	..
6	3	..
7	$3\frac{1}{2}$	..
8	4	..
9	$4\frac{1}{2}$	..
10	$4\frac{3}{4}$	..
11	$5\frac{1}{2}$	..
12	$5\frac{3}{4}$	..
13	$5\frac{7}{8}$	..
14	$6\frac{1}{2}$	..
15	$6\frac{5}{8}$	..
16	7	..
17	$7\frac{1}{2}$	..
18	$7\frac{3}{4}$ Months emoluments	..
19	$8\frac{1}{2}$	..
20	10 80 ths of average pay	3,750-00
21	$10\frac{1}{2}$ 80 ths	3,937-50
22	11 80 ths	4,125-00
23	$11\frac{1}{2}$ 80 ths	4,312-50
24	12 80 ths	4,500-00
25	$12\frac{1}{2}$ 80 ths	4,687-50
26	13 80 ths	4,875-00
27	$13\frac{1}{2}$ 80 ths	5,062-50
28	14 80 ths	5,250-00
29	$14\frac{1}{2}$ 80 ths	5,437-50
30	15 80 ths	5,625-00
31	$15\frac{1}{2}$ 80 ths	5,812-50
32	16 80 ths	6,000-00
33	$16\frac{1}{2}$ 80 ths	6,187-50
34	17 80 ths	6,375-00
35	$17\frac{1}{2}$ 80 ths	6,562-50
36	18 80 ths	6,750-00

Completed six monthly  
periods of qualifying  
service

Scale of gratuity or pension

Maximum pension  
(in Rs. per annum)

(1)	(2)	(3)
37	18½ 80 ths	
38	19 80 ths	6,937-50
39	19½ 80 ths	7,125-00
40	20 80 ths	7,312-50
41	20½ 80 ths	7,500-00
42	21 80 ths	7,687-50
43	21½ 80 ths	7,875-00
44	22 80 ths	8,062-50
45	22½ 80 ths	8,250-00
46	23 80 ths	8,437-50
47	23½ 80 ths	8,625-00
48	24 80 ths	8,812-50
49	24½ 80 ths	9,000-00
50	25 80 ths	9,187-50
51	25½ 80 ths	9,375-00
52	26 80 ths	9,562-50
53	26½ 80 ths	9,750-00
54	27 80 ths	9,937-50
55	27½ 80 ths	10,125-00
56	28 80 ths	10,312-50
57	28½ 80 ths	10,500-00
58	29 80 ths	10,687-50
59	29½ 80 ths	10,875-00
60	30 80 ths	11,062-50
61	30½ 80 ths	11,250-00
62	31 80 ths	11,437-50
63	31½ 80 ths	11,625-00
64	32 80 ths	11,812-50
65	32½ 80 ths	12,000-00
66	33 80 ths	12,000-00
and above:		12,000-00

Provided that Government may in special cases allow the Government servants governed by rule 69 to exercise a fresh option for regulation of their pension under this rule.

71. Government may, by general or special order allow temporary increase in pension subject to such conditions and limitations as they may specify from time to time on this behalf.

72. Notwithstanding anything contained in the preceding rules, in all cases of retirement on superannuation, retiring, compensation or invalid pension, where the amount of pension together with the benefit of temporary increase in pension comes to less than Rs. 50 per month, the same should be raised to Rs. 50 per month.

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73. (1) The term "Pay" means the pay which the Government servant was receiving immediately before his retirement within the Meaning of rule 2 (24) and includes additional pay granted under rule 96 of the Orissa Service Code.

(2) The term "average pay" means the average calculated upon the last 10 months of service subject to the provisions of sub-rules (3) and (4).

(3) If, during the last ten months of service, a Government servant has been absent from duty on leave with allowances or having been suspended has been re-instated without forfeiture of service, his pay for the purpose of ascertaining the average shall be taken at what they would have been had he not been absent from duty or suspended; provided that an increment falling due during such leave shall be taken into account, where it is certified by the competent authority that the Government servant would have continued to hold the post but for his proceeding on leave.

(4) If, during the last ten months of his service, a Government servant has been absent from duty on leave without allowances or suspended under such circumstances that the period of suspension does not count as service, the periods so passed are to be disregarded in the calculation of the average, an equal period before ten months being included.

(5) The following allowances are not treated as pay for the purpose of pension:—

1. Compensatory allowance
2. Messing allowance, working allowance and provision allowance
3. Deputation allowance
4. House rent allowance
5. Travelling allowance
6. Dearness allowance

*Explanation—1.* In the case of a Government servant who during leave with allowance taken at any time within 10 months preceding the date of retirement, is promoted substantively to or confirmed in a higher post or who earns an increment which is not withheld, the pay which he would have drawn had he remained on duty should count as "Pay" even though the increase in pay is not actually drawn. But the benefit of higher, officiating or temporary pay should be given only if it is certified by the competent authority that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

*Explanation—2.* Pay drawn in foreign service shall not be taken into account for the purpose of emoluments for pension.

*Explanation—3.* Monetary allowances attached to Kings' Police Medal, Indian Police Medal, Fire Service Medal, should not be treated as forming part of the pay of the recipient for the purpose of this rule.

## CHAPTER VII

## GRATUITY PAYABLE ON DEATH OR RETIREMENT

74. (1) A Government servant mentioned in sub-rule (2) of rule 69 and rule 70 who has completed five years qualifying service may be granted death-cum-retirement gratuity not exceeding the amount specified in rule 75 when he retires from service and is eligible for a gratuity or pension under rules in Chapter VI.

(2) The death-cum-retirement gratuity may also be granted to a Government servant mentioned in sub-rule (2) of rule 69 who at the time of exercise of his option for determination of his pension under sub-rule (1) of the said rule has specifically opted in writing to draw pension reduced by the pension equivalent of gratuity admissible under these rules.

(3) If a Government servant referred to in the fore-going sub-rules who has completed five years qualifying service dies while in service, a gratuity not exceeding the amount specified in rule 75 may be paid to the person or persons on whom the right to receive the gratuity is conferred under rule 100 or if there is no such person, it shall be paid in the manner indicated below:-

- (i) If there are one or more surviving members of the family as in items (i), (ii), (iii) and (iv) of sub-rule (4) it shall be paid to all such members in equal shares.
- (ii) If there are no such surviving members of the family as in items (i) above, but there are one or more members of the family as in items (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub-rule (4) the gratuity may be paid to all such members in equal shares.

*Explanation*—1. The share of gratuity admissible to a member of a Government servant's family under sub-rule (3) shall not be transferable.

*Explanation*—2. The right of a person to receive the amount or share of gratuity should be determined with reference to the facts as they stand on the date of death of a Government servant and any subsequent event as re-marriage of widow, marriage of an unmarried daughter, sister, etc., will not affect the entitlement. If however, a person who was entitled to receive death-cum-retirement gratuity on the date of death of a Government servant, dies before getting the actual payment, the amount of share of gratuity should be re-distributed amongst the surviving members.

(4) For the purpose of this rule and rule 75, 'family' in relation to Government servant means—

- (i) wife or wives, in the case of a male Government servant ;
- (ii) husband, in the case of a female Government servant ;
- (iii) sons including step sons and adopted sons ;
- (iv) unmarried daughters including step daughters and adopted daughters ;
- (v) widowed daughters including step daughters and adopted daughters ;
- (vi) father;            )
- (vii) mother;            ) including adoptive parents in the case of individuals whose personal law permits adoption.
- (viii) brothers below the age of eighteen years including step brothers;
- (ix) unmarried sisters and widowed sisters including step sisters;
- (x) married daughters, and
- (xi) children of a pre-deceased son.

75. (1) The amount of death-cum-retirement gratuity will be one-fourth of the pay of a Government servant for each completed six monthly period of qualifying service subject to a maximum of  $16\frac{1}{2}$  times the pay.

(2) In the event of death while in service of a Government servant who has completed five years qualifying service the gratuity will be subject to a minimum of twelve times the pay of the Government servant at the time of his death.

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(3) In the event of death while in service of a Government servant before completing five years qualifying service, the gratuity will be subject to a minimum of six times the pay of the Government servant at the time of his death except in cases where death occurs in the first year of service when the death-cum-retirement gratuity admissible will be equal to two month's pay.

(4) 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 and 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 twelve times of his pay a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (3) of rule 74.

(5) The death-cum-retirement gratuity granted under this rule shall in no case exceed Rs. 30,000.

*Explanation*—For the purpose of this rule pay shall be subject to a maximum of Rs. 2,500 per mensem and will be reckoned in accordance with sub-rule (1) of rule 73; provided that if the emoluments of a Government servant have been reduced during the last ten months of his service otherwise than as a penalty "average pay" as defined in sub-rule (2) of rule 73 may at the discretion of the authority which has power to sanction the gratuity under this Chapter, be treated as "emoluments".

76. If a Government servant being a subscriber to the Contributory Provident Fund (Orissa) dies while in service a gratuity not exceeding the following amounts may be paid to his family, namely:—

- (i) In case of death after completing five years' service a gratuity equal to the difference between twelve months' emoluments and the amount of Government contribution together with interest thereon standing to his credit in the fund;
- (ii) In case of death before completing five years' service a gratuity equal to the difference between his six months' pay and the amount of Government contribution together with interest thereon standing to his credit in the said fund;
- (iii) In case of death in the first year of service, a gratuity equal to the difference between his two months' pay and the amount of Government contribution together with interest thereon standing to his credit in the said fund;

*Explanation*—For the purpose of this rule the expression "pay" shall have the same meaning as assigned to it in rule 75.

## CHAPTER VIII

## FAMILY PENSION

*(i) Non-Contributory Family Pension*

77. The provisions of rules 78—84 shall apply to a Government servant who was in service on the 31st December 1963 and has specifically opted for the scheme of family pension under the Government in their Finance Department Resolution No. 13795/F., dated the 19th September, 1951 read with that Department Resolution No. 215/F., dated the 3rd January 1962 as in force immediately before the commencement of these rules.

78. (1) A Family pension not exceeding the amount specified in rule 80 may be granted to the family of a Government servant mentioned in rule 82 in the event of death while in service or within five years after retirement if he had completed not less than twenty years qualifying service :

Provided that in exceptional circumstances, the Government may also grant a family pension to the family of a Government servant who may die after completing less than twenty years qualifying service but not less than ten years qualifying service.

(2) The total period for which a family pension admissible under sub-rule (1) may be paid, shall be ten years :

Provided that the period of payment of family pension shall in no case, extend beyond five years from the date on which the Government servant actually retired or on which he would have retired, on a superannuation pension in the normal course, according as the death takes place after retirement or while the Government servant is in service.

*Explanation*—The expression 'date on which he would have retired on superannuation pension in the normal course' in the above proviso means the date on which he would have attained the age of 58 years, in case death takes place before the officer attained that age and the date up to which his continuance in service had been sanctioned at the time of his death, if death takes place while in service at any time after attaining the age of 58 years.

79. The following principles shall regulate grant of family pension sanctioned under proviso to sub-rule (1) of rule 78, namely :—

- (a) If the amount received by the family by way of Insurance, Provident Fund and death-cum-retirement gratuity of the deceased Government servant does not exceed in all forty-eight times the monthly pay of the officer at the time of his death; or if the cash assets as indicated above exceed that amount, but the education of the child or children of the deceased Government servant is not likely to be completed within a period of five years, the family pension may be granted for the maximum period admissible under these rules ;
- (b) In cases not covered by clause (a) the family pension admissible under the rules may be granted up to a maximum period of five years.

80. Subject to the maximum of Rs. 150 per mensem and the minimum of Rs. 30 per mensem, the amount of family pension shall be—

- (a) In the event of death while in service, half the superannuation pension admissible to a Government servant had he retired on superannuation pension on the date following the date of his death; or
- (b) In the event of death after retirement, half the pension sanctioned for him at the time of retirement:

Provided that the minimum family pension shall not in any case exceed, the full amount of the pension sanctioned to the Government servant at the time of his retirement in case of his death after retirement or in case he dies while in service, the pension that would have been admissible to him if he had retired on a superannuation pension on the date following the date of his death:

Provided further that if a Government servant mentioned in clause (b) has commuted a part of his pension before his death, that part of pension shall be deducted from the family pension calculated as above.

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81. No Family Pension shall be paid under these rules—

- (a) To a person mentioned in clause (b) of sub-rule (1) of rule 82 without production of reasonable proof that such person was dependent on the deceased Government servant for support;
- (b) To an unmarried female member of a Government servant's family in the event of her marriage;
- (c) To a widowed female member of a Government servant's family in the event of her re-marriage;
- (d) To a brother of a Government servant on his attaining the age of 18 years; and
- (e) To a person who is not a member of the Government servant's family.

82. (1) Except as may be provided by a nomination under rule 89.

(a) A family pension shall be allowed—

- (i) To the surviving widow or widower if the deceased is a male Government servant or to the husband if the deceased is a female Government servant;

*Explanation*—The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date of marriage with the Government servant and not with reference to the ages of the surviving widows.

- (ii) failing a widow or husband as the case may be, to the eldest surviving son ;
- (iii) failing (i) and (ii) to the eldest surviving unmarried daughter ;
- (iv) failing the above to the eldest widowed daughter ;

(b) In the event of no pension becoming payable under sub-rule (1) of clause (a), the family pension may be granted—

- (i) to the father ;
- (ii) failing (i) above to the mother ;
- (iii) failing (i) and (ii) above to the eldest surviving brother below the age of 18 years ;
- (iv) failing (i) to (iii) above to the eldest surviving unmarried sister ;
- (v) failing (i) to (iv) above, to the eldest surviving widowed sister.

(2) Family pension awarded under these rules shall not be payable to more than one member of a Government servant's family at the same time.

(3) If the family pension awarded under these rules ceases to be payable before the expiry of the period mentioned in rule 77 on account of death or marriage of the recipient or other causes it will be regranted to the person next lower in order mentioned in sub-rule (1) or to the person next lower in the order shown in the nomination made under rule 104 as the case may be, who satisfies the conditions of these rules.

(4) A family pension sanctioned under these rules shall not be payable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of a Government servant's family under the existing rules or Acts.

83. Future good conduct of the recipient is an implied condition of every grant of a family pension and 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 is guilty of grave misconduct and Government's decision in the matter shall be final.

84. Nothing contained in this rule shall apply to a Government servant who, on permanent absorption in a service or post in or under a body-corporate owned or controlled by Government is sanctioned retirement benefit under rule 68.

(ii) *Contributory Family Pension*

85. The provisions under this rule and rules 86—99 shall apply—

- (a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964, and
- (b) to a Government servant who was in service on the 31st December, 1963 and come to be governed by the provisions of the family pension scheme under Government contained in their Finance Department Resolution No. 25582/F., dated the 22nd August, 1964 alongwith rectifications thereto as in force before commencement of these rules.

86. Subject to the provisions of rule 89 and without prejudice to the provisions contained in rule 87 where a Government servant dies—

- (a) after completion of not less than one year continuous service; or
- (b) after retirement from service and was in receipt of pension on the date of death, the family of the deceased shall be entitled to a contributory family pension the amount of which shall be determined as follows:—

Pay of the Government servant	Amount of monthly family pension		
	Percentage of pay	Minimum	Maximum
(1)	(2)	(3)	(4)
		Rs.	Rs.
1. Below Rs. 200 ..	50%	50	100
2. Rs. 200 and above but less than Rs. 800..	30%	100	150
3. Rs. 800 and above ..	15%	150	250

- (c) 'Pay' for this purpose of this rule means the pay as defined in rule 33 (a) of Orissa Service Code which the person was drawing on the date of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement a person has been absent from duty on leave (excluding extraordinary leave) or suspension, "pay" means the pay which he drew immediately proceeding on such leave or suspension.

87. (1) Subject to the provisions of rule 89 where a Government servant who is not governed by the workmens' Compensation Act dies while in service after having rendered not less than seven years service the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-rule 86 whichever is less, and the amount so admissible shall be payable from the date following the date of death of the Government servant—

- (a) for a period of seven years ; or
- (b) till the date on which the Government servant would have reached the age of sixty-five years had he remained alive which is shorter.

(2) Subject to the provisions of rule 89 where the retired Government servant dies after having rendered not less than seven years of service by the date of his retirement, the rate of family pension payable to the family shall be equal to twice the family pension admissible under sub-rule 86 or the pension either sanctioned or admissible to the deceased retired Government servant at the time of retirement, whichever is less and the amount so admissible shall be payable from the date following the date of death of the retired Government servant—

- (a) for a period of seven years; or
- (b) till the date on which the Government servant would have reached the age of 65 years had he remained alive, whichever period is shorter.

(3) After the expiry of the period referred to in sub-rule (1) and (2) the family in receipt of family pension under that sub-rule shall be entitled to family pension at the rate admissible under rule 86.

88. (1) A Government servant governed by the provisions under rule 85 as well as by the provisions under Orissa Civil Services (Extraordinary Pension) Rules who dies as a result of 'risk of office' or 'special risk of office' as mentioned in the Orissa Civil Services (Extraordinary Pension) Rules, the family of such a Government servant shall be paid under Orissa Civil Services (Extraordinary Pension) Rules at the following rates—

(ii) *Widow's pension—*

Pay of the Government servant	Monthly Pension
Rs. 800 and above	.. 20 per cent of pay subject to maximum of Rs. 275
Rs. 200 and above but below Rs. 800	.. 25 per cent of pay subject to maximum of Rs. 150 and minimum of Rs. 75.
Below Rs. 200	.. 45 per cent of pay subject to a maximum of Rs. 75 and a minimum of Rs. 40.

(ii) *Pension to motherless children—*

Pay of the Government Servant	Monthly pension per child
Rs. 800 and above	.. Rs. 50
Rs. 250 and above but below Rs. 800	.. Rs. 37.50
Below Rs. 250	.. 15 per cent of pay

The above rates are subject to the condition that the pension payable to a child/children will in no case be less than the amount of pension which would have been admissible to him/her had the provisions of the Family Pension Schemes, 1964 been applied.

(3) In addition to the family pension at the rates mentioned under sub-rule (1) the gratuity, where admissible under the Orissa Civil Services (Extraordinary Pension) Rules will continue to be paid at the rate provided therein.

89. The grant of family pension in accordance with rule 86 or rule 87 shall be subject to the payment of contribution of an amount equal to two months pay subject to a maximum of rupees five thousand, to be recovered out of the death-cum-retirement gratuity. No such recovery shall be made out of the death-cum-retirement gratuity payable to a Government servant who retires before earning a pension or who at the time of death while in service or at the time of retirement was a unmarried Government servant or a widower or a widow and had no child or children including legally adopted children.

(2) The 'Pay' for the purpose of gratuity is the pay as defined in sub-rule (24) of rule 2.

90. The period for which family pension is payable shall be as follows—

(i) in the case of widow or widower, up to the date of death or re-marriage whichever is earlier.

(ii) in the case of a son until he attains the age of eighteen years.

(iii) in the case of an unmarried daughter, until she attains the age of twenty-one years or until she gets married whichever is earlier.

91. (a) (i) Where there are more than one widow the family pension is payable to all those widows in equal shares.

(ii) On the death of a widow, her share of the family pension shall become payable to her eligible child:

Provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.

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

92. (a) Except as provided in rule 91, the family pension shall not be payable to more than one member of the family at the same time.

(b) If a deceased Government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

(c) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of eighteen years and thereby become ineligible for the grant of family pension.

93. Where the deceased Government servant or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of rule 90, as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

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

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

- (a) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in rule 87, the amount of both the pensions shall be limited to five hundred rupees per mensem;
- (b) if one of the family pensions ceases to be payable at the rate mentioned in rule 87 and in lieu thereof the pension at the rate mentioned in rule 86 becomes payable, the amount of both the pensions shall also be limited to five hundred rupees per mensem;
- (c) if both the family pensions are payable at the rates mentioned in rule 86, the amount of two pensions shall be limited to two hundred and fifty rupees per mensem.

96. 'Continuous service' for the purpose of rule 86 means service rendered in a pensionable establishment and does not include—

- (a) period of suspension if any, which does not count for pension on termination of proceedings and;
- (b) period of service, if any, rendered before attaining the age of eighteen years.

97. 'Family' in relation to Government servant means—

- (a) wife in the case of a male Government servant or husband in case of a female Government servant; provided the marriage took place before retirement of the Government servant;

NOTE 1—Wife and husband shall include respectively judicially separated wife and husband.

NOTE 2—Where the sanctioning authority referred to in sub-rule (26) of rule 2 decides that for reasons to be recorded in writing, a child or children from a judicially separated deceased female Government servant should receive the family pension in preference to judicially separated husband of the deceased Government servant such husband shall not be regarded as covered by the expression 'family'.

- (b) son who has not attained the age of eighteen years and unmarried daughter who has not attained the age of twenty-one years, including such son and daughter adopted legally before retirement;
- (c) 'Pay' means the pay as defined in sub-rule (24) of rule 2.

98. Nothing contained in this rule shall apply to—

- (a) persons who retired prior to 1st January 1964 but may be re-employed on that date or thereafter,
- (b) employees paid from contingencies,
- (c) work-charged staff,
- (d) casual labourers,
- (e) officers on contract, and
- (f) a Government servant, who on absorption in a service or post in or under a body owned or controlled by Government and/or who is sanctioned benefits under sub-rule (2) of rule 2.

99. Temporary increase in family pension is payable. Government may, by general or special order allow temporary increase in family pension subject to such conditions and limitations as it may specify from time to time on this behalf.

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## CHAPTER IX

## NOMINATION FOR DEATH-cum-RETIREMENT GRATUITY AND FAMILY PENSION

100. (1) A Government servant shall, at any time after appointment in pensionable establishment, make a nomination conferring on one or more persons the right to receive death-cum-retirement gratuity that may be sanctioned under rules in Chapter VII.

(2) If, at the time of making the nomination 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.

(3) Where a Government servant has only one member in his family in whose favour the nomination should be made, an alternate nomination may be made in favour of any person who is not a member of his family or in favour of a body of persons, corporate or incorporate.

(4) If at the time of making the nomination, the Government servant has no family, the nomination may be made in favour of any person or persons.

(5) The nomination made by a Government servant who has no family at the time of making it, or a provision made in a nomination under sub-rule (3) by a Government servant whose family consists, on the date of making the nomination, of only one member, 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.

(6) Every nomination shall be in such one of the forms O. P. R. 1-A, 1-B, 1-C, or 1-D as may be appropriate in the circumstances of the case.

101. (1) If a Government servant nominates more than one person under rule 100 he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(2) A Government servant may provide in the nomination that in respect of any specified nominee who pre-deceases the Government servant or who dies after the death of the Government servant but before receiving payment of gratuity, the right conferred upon that nominee shall pass on to such other members of the Government servant's family as may be specified in the nomination:

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

102. (1) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority:

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

(2) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-rule (2) of rule 101 or on the occurrence of any happening of a contingency specified in the nomination by reason of which the nomination becomes invalid, a Government servant shall send to the appropriate authority a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with these rules.

(3) Every nomination made, by a Government servant shall be sent by him to the Accounts Officer in the case of a gazetted officer and to the Head of his office in case of a non-gazetted officer and officiating gazetted Government servant. Immediately on receipt of a nomination from a non-gazetted Government servant the Head of Office shall countersign it, indicating the date of receipt and keep it under his custody.

103. (1) Every nomination made, and every notice of cancellation given by a Government servant shall to the extent that it is valid, take effect on the date on which it is received by the appropriate authority specified in rule 102.

(2) A nomination as also any change therein shall normally be made by a Government servant during his service:

Provided that he may make a fresh nomination in accordance with these rules after retirement but before getting payment.

(3) The nomination shall become invalid in the event of happening of a contingency specified therein.

(4) Death should not be specified as one of the contingencies on the happening of which nomination shall become invalid.

**104.** A Government servant shall at any time make a nomination in Form O. P. R. 2 indicating order in which a family pension admissible under the rules in Chapter VIII should be paid to members of his family, and to the extent that it is valid, the family pension will be payable in accordance with such nomination; provided the persons concerned are eligible on the date from which the family pension may fall due, to receive the family pension under rule 80. The provisions of rules 102 and 103 shall apply *mutatis mutandis* in respect of nominations under this rule.

The eligibility for family pension shall be governed by rule 82 and with reference to the date of death of the Government servant or pensioner.

**105. (a) (i)** As soon as a Government servant has completed one year's continuous service, he shall give details of his family in Form O. P. R. 2-A to the Audit Officer if he is a gazetted Government servant or to the Head of Office if he is a non-gazetted Government servant.

**(ii)** If the Government servant has no family he shall furnish the details in Form O. P. R. 2-A as soon as he acquires a family.

**(b)** The Government servant shall communicate to the Audit Officer or Head of Office, as the case may be, any subsequent change in the size of his family including the marriage of his/her female child

## CHAPTER X

## EXTRAORDINARY PENSION

106. The rules in this chapter shall be called the Orissa Civil Services (Extraordinary Pension) Rules.

107. (a) The rules in this chapter shall apply to all persons other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies, whether their appointment is permanent or temporary, on time-scale of pay or fixed pay or piece-work rates, who are under the rule making control of the State Government and who entered or enter service under the State Government on or after the 1st April, 1936 or who having entered the service under Government before the 1st April, 1936, did not hold a lien or a suspended lien on a permanent post on that date.

(b) They shall also apply to persons not coming under clause (a) of this rule who were in permanent Government service before the 1st April, 1936 and who elected in writing to come under the Orissa Civil Services (Extraordinary Pension) Rules within 4th August, 1943. The election once made shall be final.

NOTE—No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under U. N. bodies on or after the 1st January 1953 and who is allowed to join the U. N. Joint Staff Pension Fund as an 'Associate Member'.

108. In this chapter unless the context otherwise requires—

(1) "Accident" means—

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service ;

(2) "Date of injury" means—

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the State Government may fix ; and

(ii) in the case of disease, the date on which Medical Board reports or such earlier date as may be fixed by the State Government with due regard to the opinion of the Medical Board;

(3) "Disease" means—

(i) venereal disease or septicaemia where such disease or septicaemia is contracted by a Medical Officer as a result of attendance in the course of his official duty on an infected patient or of conducting a postmortem examination in the course of that duty, or

(ii) disease solely and directly attributable to an accident, or

(iii) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties.

(4) "Injury" means bodily injury resulting from violence accident or disease assessed by a Medical Board as being not less than severe.

NOTE—Examples of injuries of certain categories are specified below—

Classification of injuries

Equal to loss of limb—

Hemiplegia without aphasia

Permanent loss of tracheotomy tube

Artificial anus

Total deafness of both ears

Very severe—

Complete unilateral facial paralysis, likely to be permanent

Lesion of kidney, ureter or bladder

Compound fractures (except phalanges)

Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent—

Ankylosis of or considerable restriction in the move of one of the following Joints, namely—

Knee, elbow, shoulder, hip, ankle temporomaxillary or rigidity of the dorsilumber or cervic sections of the spine.

Partial loss of vision of one eye ;

Destruction or loss of one testicle ;

Retention of foreign bodies not causing permanent or serious symptoms.

(5) " Pay " means pay as defined in rule 33 of the Orissa Service Code which a person was drawing on the date of his death or injury.

(6) " Risk of Office " means any risk, not being a special risk, or accident or disease to which Government servant is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office, which is a risk common to human existence under modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service

NOTE—The term " Risk of Office " shall include the risk of death or injury to which a Government servant is exposed where he attends the place of his employment for the performance of his duties during any riot or civil commotion in the town, city or village concerned, including any sub-urban area contiguous thereto, and while proceeding from his residence to the place of his employment or vice versa, becomes a victim of the said riot or civil commotion.

(7) " Special risk " means—

(i) A risk of suffering injury by violence.

(ii) A risk of injury by accident to which a Government servant is exposed in the course of and as a consequence of the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office.

(iii) A risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicæmic patient or conducting post-mortem examination in pursuance of that duty.

(8) " Violence " means the act of a person who inflicts an injury on a Government servant—

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter him from performing his duties ; or

(ii) because of anything done or attempted to be done by such Government servant or any other public servant in the lawful discharge of his duty as such ; or

(iii) because of his official position.

109. (1) No award shall be made under this chapter except with the sanction of the Government. In making an award the Government may take into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

(2) All awards under this chapter shall be made in rupees in India unless the payee resides permanently and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid at the exchange rate.

( For delegation under this rule ( See Appendix 1 ).

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110. Except as otherwise provided in this chapter an award made under this chapter shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force and the award made under this chapter shall not be taken into account in fixing the pay of the Pensioner on his continued employment or re-employment in Government service.

111. No award shall be made in respect of—

- (i) an injury sustained more than 5 years before the date of application, or
- (ii) death which occurred more than seven years—

(a) after the injury due to violence or accident was sustained, or (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

112. For the purpose of this chapter injuries shall be classified as follows:—

*Class A*—Injuries caused as a result of special risk of office which have resulted in the permanent loss of any eye or a limb or are of a more serious nature.

*Class B*—Injuries caused as a result of special risk of office and equivalent, in respect of the degree of disablement which they cause, to the loss of a limb are very severe or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature.

*Class C*—Injuries caused as a result of special risk of office which are severe but not very severe and likely to be permanent, or injuries caused as a result of risk of office which are equivalent, in respect of the degree of disablement which they cause to the loss of a limb or which are very severe and likely to be permanent.

113. (1) If a Government servant sustaining an injury which falls within Class A of rule 112 he shall be awarded—

(a) gratuity at the rate specified in sub-rule (5) below with effect from the date following the expiry of one year from the date of injury—

(i) If the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in sub-rule (5) for a higher scale pension and,

(ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in the said sub-rule for a higher scale pension and shall not be less than half that amount.

(2) If a Government servant sustains an injury which falls within Class B of the said rule 112 he shall be awarded—

(i) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the rate specified in sub-rule (5) for a lower scale pension and shall not be less than half that amount;

(ii) in other cases—

(a) For a period of one year with effect from the date of the injury, a temporary pension the amount of which shall not exceed the applicable amount specified in the said sub-rule for a lower scale pension and shall not be less than half that amount and thereafter.

(b) a pension within the limit specified in sub-clause (a) if the Medical Board from year to year certifies that the injury continues to be very severe.

(3) If a Government servant sustains an injury which falls within Class C of the said rule 112 he shall be awarded a gratuity at the rate specified in sub-rule (5), if the Medical Board certifies that the Government servant is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified, if he is certified to be likely to be unfit for less than a year:

Provided that in cases where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the State Government may award, if it thinks fit, in lieu of the gratuity, a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule.

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension—

- (i) when the Government servant is invalid out of the service on account of the injury in respect of which the temporary pension was awarded, or
- (ii) when the temporary pension has been drawn for not less than five years, or
- (iii) at any time, if the Medical Board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

(5) The rate of Injury Pension and Gratuity shall be as follows:—

Pay of Government servant on the date of injury (1)	Gratuity (2)	Monthly pension (Higher Scale) (3)	Monthly Pension (Lower Scale) (4)
		Rs.	Rs.
1. Rs. 2,000 and over		300	225
2. Rs. 1,500 and over but under Rs. 2,000.		275	200
3. Rs. 1,000 and over but under Rs. 1,500.		200	150
4. Rs. 900 and over but under Rs. 1,000.	3 months pay subject to a minimum of Rs. 800.	150	125
5. Rs. 400 and over but under Rs. 900.		100	84
6. Rs. 350 and over but under Rs. 400.		85	70
7. Rs. 200 and over but under Rs. 350.		67	50
8. Under Rs. 200	4 months pay	1/3rd of pay subject to a minimum of Rs. 17 per mensem.	1/5th of pay subject to a minimum of Rs. 10 per mensem.

114. (1) Subject to the provisions contained in the note below this rule awards shall be made to the widow and children of a Government servant governed by the scheme of family pension under Government in their Finance Department resolution No. 13795-F., dated the 19th October, 1951 read with that Department resolution No. 215-F., dated the 3rd January, 1962 as follows:—

(i) if a Government servant is killed or dies of injury received as result of special risk of office;

(a) a gratuity at the rate specified in sub-rule (2) below; and

(b) a pension not exceeding the amount specified in the said sub-rule.

(ii) If the Government servant is killed or dies of injuries received as a result of "Risk of Office" a pension not exceeding the applicable amount specified in sub-rule (2) below:

Provided that, if the pay of the deceased Government servant was less than Rs. 200, the monthly pension or the sum of pensions that may be granted under this rule shall not, irrespective of the rest (including the minimum limits) specified in the said sub-rule exceed the limit of one-half of his pay, and if in any case the sum of such pensions calculated under the said sub-rule exceeds the limit of one-half of his pay, such a *pro rata* reduction shall be made in the amount of each individual pension so as to reduce the sum to such limit.

NOTE—If a Government servant dies leaving behind two or more widows the pension or gratuity admissible under this rule to the widows shall be divided equally among all the widows. If any of the widow children, father, mother or minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him such a person shall be ineligible to receive any award under these rules and the benefit will pass on to next person eligible.

(2) The rates of family gratuity and pension shall be as follows, viz:—

Pay of Government servant on the date of death	Gratuity	Monthly pension
1. Rs. 800 and over	(A) Widow 3 month's pay subject to a minimum of Rs. 800.	1/8th of pay subject to a maximum of Rs. 200, 1/6th of pay subject to a maximum of Rs. 100 and a minimum of Rs. 50.
2. Rs. 200 and over but under Rs. 800		
3. Under Rs. 200	4 month's pay	1/3rd of pay subject to a maximum of Rs. 50 and a minimum of Rs. 17.
(B) Children		
Monthly pension of each child		
Pay of Government servant on the date of death	If the child is motherless	
	If the child is not motherless	
(1)	(2)	(3)
1. Rs. 800 and over ..	Rs. 40	Rs. 25
2. Rs. 250 and over but under Rs. 800.	Rs. 25	Rs. 13
3. Under Rs. 250 ..	1/10th of pay subject to a minimum of Rs. 8.50.	1/20th of pay subject to a minimum of Rs. 7

(2) (A) (i) Subject to the provisions contained in the Note below sub-rule (1) award shall be made to the widow and children of a Government servant governed by the provisions of family pension under rules 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99 in the rates as follows in addition to the gratuity where admissible under the provisions of this chapter.

(a) *Widow's Pension*

Pay of the Government servant	Monthly Pension
Rs. 800 and above	.. 20 per cent of pay subject to a maximum of Rs. 275.
Rs. 200 and above but below Rs. 800	.. 25 per cent of pay subject to a maximum of Rs. 150 and minimum of Rs. 75.
Below Rs. 200	.. 45 per cent of pay subject to maximum of Rs. 75 and minimum of Rs. 40.

(b) *Pension to motherless Children*

Pay of the Government servant	Monthly pension per child
Rs. 800 and above	.. Rs. 60
Rs. 250 and above but below Rs. 800	.. Rs. 37.50
Below Rs. 250	.. 15 per cent of pay

Provided that the rates are subject to the condition that the pension payable to a child/children will in no case be less than the amount of pension which would have been admissible to him/her had the provisions of the Family Pension Scheme, 1964 been applied.

(ii) The family of a Government servant entitled to the family pension under clause (i) of this sub-rule is not entitled to the benefit of family pension under any other rule/Scheme.

(3) (i) If the deceased Government servant has left neither a widow nor a child, a pension may be sanctioned to his father and his mother, individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need:

Provided that the total amount of the pension shall not exceed one-half of the pension that would have been admissible to the widow:

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in sub-rule (2) for a child who is not motherless.

(ii) If the Government servant dies as a result of special risk of office, leaving no widow a gratuity equal to one-half of that which would have been admissible to the widow under sub-rule (2) may be paid in equal shares to the children of the Government servant. In the absence of widow and children, one-half of the gratuity referred to above may be paid to the parents of the Government servant, either individually or collectively, without reference to dependency on the deceased Government servant or pecuniary need.

(4) Any award made under sub-rule (3) shall in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as may be prescribed by Government in this behalf.

(5) (a) A family pension will take effect from the day following the death of the Government servant or from such other date as the Government may decide in this behalf.

(b) A family pension shall ordinarily be tenable—

(i) in the case of a widow or mother until death or remarriage, whichever occurs earlier;

(ii) in the case of a minor son or minor brother, until he attains the age of eighteen;

(iii) in the case of an unmarried daughter or sister, until marriage or until she attains the age of 21, whichever occurs earlier; and

(iv) in the case of a father, during his life time;

Provided that a child's pension may be awarded or continued, at the discretion of the State Government notwithstanding provisions of clauses (ii) and (iii) above, if the child—

(a) is affected with a mental or bodily infirmity which renders him or her incapable of earning his or her own living and is in necessitous circumstance, or

(b) is an apprentice earning not more than nominal wages or is being educated at a secondary school, technical school or university.

Note—The family pension of a widow shall cease on her remarriage but when such remarriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

115. (1) In respect of matters of procedure, all awards under this chapter are subject to any procedural rules relating to ordinary pensions for the time being in force to the extent that such procedural rules are applicable and are not inconsistent with these rules in this chapter.

(2) When a claim for any injury pension or gratuity, or family pension arises, the Head of the Office or the Head of the Department in which the injured or the deceased Government servant was employed shall forward the claim through proper channel to the Government with the following documents, namely:—

(i) A full statement of circumstances in which the injury was received or the disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form O. P. R. 3 or the application for family pension in Form O. P. R. 4 as the case may be.

(iii) In the case of a Government servant who has sustained an injury or contracted a disease a medical report in Form O. P. R. 5. In the case of a deceased Government servant, a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report can not be secured.

(iv) A report of the Audit Officer concerned as to whether the award is admissible under the rules in this chapter and, if so, the amount thereof.

(3) A minor's pension shall be paid to the natural guardian and where there is no such guardian it shall be paid to the legal guardian of the property of the minor concerned.

(4) Where the Government are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of injury or other extraordinary pension has been received by them of the possibility of an error of judgement in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter. Pension shall be granted to the officer in accordance with the decision of the second Medical Board.

116. The State Government may in very special circumstances, relax the provision of any of these rules and may award Gratuity or Pension or both at rates higher than those provided therein to relieve hardship in individual cases :

Provided that the maximum of such pension shall not be more than twice the amount provided in columns 3 and 4 of the Rate under sub-rule (5) of rule 113 and column 3 of the Rate under sub-rule (2) of rule 114 :

Provided further that the maximum age-limit up to which pension to a child may be paid shall be twenty-one years or up to the date of marriage in respect of a girl if the marriage takes place before the stage of twenty-one :

Provided further that the injury or family gratuity together with any death-cum retirement gratuity that may be admissible to the injured or deceased Government servant shall be subject to maximum of eighteen months emoluments and of nineteen months emoluments in respect of persons receiving less than Rs. 200.

## CHAPTER XI

## REEMPLOYMENT OF PENSIONERS

117. The provisions in this chapter regulate the fixation of the pay of pensioners who are re-employed in the services and posts under the Government of Orissa, or Local Funds, Industrial or Commercial undertakings or Corporations owned or controlled by the Government:

Provided that the Government may by notification declare that the provisions of this Chapter shall not apply to any local fund or shall apply to it subject to such modifications as they may specify in the notification.

118. A person who is in receipt of pension shall not be reemployed or continue to be reemployed in service paid from the Consolidated Fund of the State except on public grounds.

119. When a person who was previously in employment, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, State share of Contributory Provident Fund dues or pension granted to him in respect of the previous employment. The authority reemploying him shall specifically state in the order of reemployment, compliance of the restrictions as in rule 105 and shall communicate a copy of the order to the Audit Officer.

120. The attention of every Government servant who is reemployed should be specially drawn to the provisions of these rules by the authority reemploying him, but the failure to comply with the provisions of this rule shall not be admitted as a ground for condoning any breach of the provisions of this chapter

121. (1) The initial pay on reemployment shall be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is reemployed.

In cases where Government consider that the fixation of initial pay of the reemployed Government servant at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the Government servant rendered before retirement in a post not lower than that in which he is reemployed,

*Explanation*—Comparison of posts for the above-mentioned purpose should normally be on the basis of scales of pay, but where such comparison results in hardship in individual cases comparison may also be made with reference to the duties and responsibilities attached to the posts, irrespective of the scales of pay. Doubtful cases may be referred to Government.

(2) (a) In addition to the pay as fixed under sub-rule (1) the Government servant may be permitted to draw separately any pension sanctioned to him and to retain any other form or retirement benefit for which he is eligible such as Government's contribution to a Contributory Provident Fund, gratuity, commuted value of pension provided that the total amount of initial pay as admissible under the said sub-rule plus the gross amount of pension and/or the pension equivalent of other forms of retirement benefit does not exceed—

- (i) the pay he drew before his retirement or
- (ii) Rs. 3,000; whichever is less

(b) In all cases where either of these limits is exceeded the pension and other retirement benefits may be paid in full and necessary adjustments made in the reemployment pay so as to ensure that the total of the reemployment pay plus pensionary benefit is within the prescribed limit. In such cases, the reemployment pay may be fixed below the minimum of the time-scale in which the Government servant is reemployed.

*Exception 1*—In case of posts for which persons with the requisite qualifications and experience are not available the restriction that initial pay on reemployment plus pension and pension equivalent of other retirement benefit should not exceed the last pay drawn, may be relaxed by Government to the extent indicated below—

- (i) Initial pay on reemployment plus gross pension and/or pension equivalent of other retirement benefit should not exceed the pay last drawn before retirement by more than Rs. 250.
- (ii) The above concession will be admissible only where the officer has retired on a superannuation pension.

*Exception 2*—In case of persons retiring before attaining the age of 58 years, where the pension plus pension equivalent of other retirement benefits do not exceed Rs. 50 per month, the amount may be ignored for the purpose of fixation of pay under this rule.

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*Explanation 1*—Pay last drawn before retirement means pay last drawn in terms of rule 33 of Orissa Service Code. If the reemployed Government servant was on leave or on deputation at the time of retirement his pre-retirement pay for the purpose of this rule shall be taken at what it would have been had he not been on leave or on foreign service provided the competent authority certifies that he would have continued to hold the post but for his proceeding on leave or on deputation.

*Explanation 2*—In this rule, pension includes compassionate allowance but does not include extraordinary pension or gratuity sanctioned under Chapter X or family pension sanctioned under Chapter VIII.

(3) In cases where the minimum pay of the post in which the pensioner is reemployed is more than the pay last drawn before retirement the officer concerned may be allowed the minimum of the prescribed scale of the post less pension and/or the pension equivalent of other forms of retirement benefits.

(4) (a) Once the initial pay of a reemployed pensioner has been fixed, he may be allowed to draw normal increments in the time-scale of the post to which he is appointed provided that the pay and gross pension and/or pension equivalent of the other retirement benefits taken together do not, at any time, exceed Rs. 3,000 per month. Whereafter the pay is fixed at the minimum or any higher stage, it is reduced below the minimum or any higher stage on account of adjustment under clause (b) of sub-rule (2) increase in pay may be allowed after each year of service at the rates of increments admissible as if the pay had been fixed at the minimum or the higher stage, as the case may be.

(b) He may be allowed special pay over and above the pay fixed under these rules, if he was not in receipt of a special pay immediately prior to retirement or was drawing a special pay which has not been treated as pre-retirement pay, for the purpose of fixation of pay under this rule. In other cases, the special pay may not be granted except on special grounds. In all cases where a special pay is sanctioned to a reemployed pensioner the reemployment pay plus gross pension and/or pension-equivalent of other retirement benefits if any, plus the special pay taken together shall not exceed the limits specified in sub-rule (2). Where a special pay is sanctioned as a percentage of the basic pay, the percentage will be calculated on the basis of the pay as fixed on reemployment.

(5) A person who is reemployed while on refused leave may, at his option, avail of the period of refused leave or part thereof concurrently with his re-employment, but his reemployment pay during the period of refused leave so availed of should be fixed under sub-rules (1) and (2). The service rendered by him during refused leave shall count for increment subject to the provisions of sub-rule (4).

(For delegations under the rule, see Appendix I)

122. (1) A Government servant who obtained a compensation pension if reemployed in a service qualifying for pension may, at his option count his former service for future pension:

Provided that he—(a) ceases to draw his pension from the date of his reemployment in qualifying service, and

(b) refunds the death-cum-retirement gratuity or service gratuity, if any, drawn by him for his former service.

(2) The intention to refund must be stated immediately on reemployment; but the refund may be made by monthly instalments of not less than one-third of his salary or not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given, whichever is less. The right to count previous service does not revive till the whole amount is refunded.

123. The pay of a Government servant who has obtained compensation pension or compensation gratuity if reemployed shall be fixed in accordance with rule 121. In case the pensioner elects to count his previous service for pension, by foregoing the entire pension, the pay shall be fixed by treating him as if he is not in receipt of any pension. He shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without further re-fixation of pay.

124. There is no bar to the reemployment of a person, which has regained health after obtaining invalid pension, or if an officer is invalidated as being incapacitated for employment in a particular branch of the service, to his reemployment in some other branch of the service. In such a case the provisions as to refunding gratuity, drawing pension, counting service and fixation of pay on re-employment shall be the same as applicable in the case of reemployment after compensation pension.

125. (1) Except as provided in sub-rule (2) a Government servant who having been discharged with a pension, if subsequently reemployed may not count his new service for a separate pension.

(2) (a) If a Government servant who has obtained a compensation or invalid pension is reemployed in pensionable service and retains the pension, the pension admissible for his subsequent service is subject to the limitation that the capitalised value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of his final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

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

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

126. (1) If a pensioner who was a gazetted Government servant immediately before retirement wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the Government for such acceptance. No pension shall be payable to a pensioner of this category who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as the Government may direct; provided that a Government servant permitted by the appropriate authority to take up a particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequently permission for his continuance in such employment after retirement.

(2) In this rule "Commercial employment" means 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, partnership of such company or firm, but shall not include employment under a body corporate owned or controlled by Government.

NOTE 1—For the purposes of subrule (1) the expression "the date of retirement" in relation to a Government servant reemployed after retirement, without any break, either in the same or in another gazetted post under the State Government or in any other equivalent post under other Government in India shall mean the date on which such Government servant finally ceases to be so reemployed in Government service.

NOTE 2—For the purpose of this rule, employment in a co-operative society shall include the holding of any office whether by election or otherwise, such as, that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called, in such a society.

127. (a) If a pensioner, wishes to accept any employment under a Government outside India, he should obtain the previous sanction of the State Government to such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer periods as the State Government may direct:

Provided that a Government servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement, shall not be required to obtain subsequent permission for his continuance in such employment.

(b) For the purpose of this rule "Employment under a Government, outside India" shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government, outside India.

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## CHAPTER XII

## COMMUTATION OF PENSIONS

✓ 128. Subject to the provisions hereinafter contained and to such conditions as it may think fit to impose, the Government may sanction the commutation for a lump payment of a portion, not exceeding one-third of any pension which has been or is about to be granted under Chapters V and VI:

✓ Provided that the uncommuted residue of pension shall not be less than Rs. 20, per month in case of non-gazetted Government servants and Rs. 100, per month in the case of gazetted Government servant:

Provided further that in calculating the amount of the uncommuted residue, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from the Consolidated Fund of a State or Consolidated Fund of India:

✓ Provided further that a Government servant against whom a judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under rule 10 shall not be permitted to commute any part of his pension during the pendency of such proceeding.

NOTE 1—For the purpose of this rule pension includes compassionate allowance and provisional pension granted to displaced permanent Government servants of Sind and North-West Frontier Province. But commutation of compassionate allowance may be sanctioned only on proof that the proceeds of the commutation will be invested for the permanent benefit of the commuter's family.

NOTE 2—Ex-state pensioners who retired from service prior to the date of merger and whose pensions were sanctioned by the rulers are not eligible to the benefit of commuting a portion of their pension under these rules.

NOTE 3—No portion of the temporary increase on pensions shall be commuted for a lump payment.

129. An application for commutation of pension shall be made in Part I of Form O. P. R. 6 accompanied by two pass-port size photographs, one duly attested and the other without any attestation, and addressed—

- (a) if the applicant is still in service or has retired but his pension has not yet been sanctioned, to the Government in Finance Department through the Head of the Office in which he is or was employed or if he is or was himself the Head of the Office through the Head of the Department, and the application shall be sent forthwith to the Accounts Office concerned ;
- (b) in the case of a pensioner who draws his pension in India, to the Government through the Accounts Officer of the State in which the Treasury from which the pensioner draws his pension is situated ;
- (c) in the case of a pensioner who draws his pension abroad, from a foreign Government which has a direct account current with an Accountant-General in India or from an Indian Mission or an Embassy, to the State Government through the Accounts Officer who issued the warrant for payment of the pension ;
- (d) in the case of a pensioner who draws his pension in the United Kingdom or in a foreign country which has no direct account current with an Accountant-General in India, to the High Commissioner for India in the United Kingdom, through the officer authorised to pay the pension to that pensioner.

NOTE—If the pension is adjustable in the books of a different Accounts Officer, the Accounts Officer which receives the application should transmit it forthwith to that officer.

(For delegations under the rule see Appendix I)

130. The Accounts Officer should complete Part II of the Form O. P. R. 6 without delay transmit it together with copies of the medical reports mentioned in rule 134, if they are on record in his office to the Finance Department.

131. The lump sum payable on commutation shall be calculated on whole rupee in accordance with a table of present values prescribed from time to time. For the purpose of this rule, age in the case of impaired lives shall be assumed to be such age not being less than the actual age as the certifying medical authority may direct. In the event of the table of present values applicable to the applicant having been modified, between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, payment shall be made in accordance with the table so modified but it shall be open to the applicant, if the modified table is less favourable to him than the table before it was so modified to withdraw his application by notice in writing sent within fourteen days of the date on which he receives notice of modification.

132. The authority competent to sanction commutation should thereupon accord its administrative sanction in Part III of Form O. P. R. 6 and in Part II of Form O. P. R. 6-A, and

(1) transmit to the applicant, on Form O. P. R. 6-A a certified copy of the Accounts Officer's certificate contained in Part II of form O. P. R. 6 and one copy of Form O. P. R. 6-B Part I which is to be filled in by the applicant before his medical examination and handed over to the medical authority; and

(2) forwarded to the medical authority in original, the completed Form O. P. R. 6 together with a copy of Form O. P. R. 6-B and an extra copy of Part III of that Form and if the applicant has been granted an invalid pension, or has previously commuted any portion of his pension, with years added to his actual age on the basis of an addition of years to his actual age recommended by a competent medical authority or has been refused commutation on medical grounds, copies of the previous medical reports or statements of his case.

NOTE—If the Accounts Officer's certificate in Part II shows that the commutation charge falls partly on other State Governments such as Madras, Maharashtra, West Bengal, Uttar Pradesh and Bihar the sanctioning authority must obtain their consent before it accords administrative sanction.

133. In respect of a pensioner, who takes up his residence in the United Kingdom, the High Commissioner of India in London shall prescribe the medical authority from whom the necessary certificate as to the physical health and prospects of duration of life should be obtained and also prescribe such other instructions relating to procedure for commutation, as he may consider necessary.

134. (1) Before any commutation administratively sanctioned becomes absolute, the applicant must be examined by the proper medical authority hereinafter prescribed.

(2) the medical authority shall be—

(a) in the case of an applicant who has been granted an invalid pension or in whose case the total of the amount of pension to be commuted together with the amount or amounts previously commuted, if any, exceeds rupees twenty-five a Medical Board ;

(b) in the case of an applicant who has not been granted an invalid pension and who applies for commutation of a sum such that the total of the amount of pension to be commuted, together with the amount or amounts previously commuted, if any, is rupees twenty-five or less, the Medical Officer, not being of lower status than the Civil Surgeon, District Medical Officer or Presidency Surgeon of the area in which he is ordinarily resident.

(3) The medical authority after obtaining from the applicant a statement in Part I Form O. P. R. 6-B (which must be signed in its presence) shall subject him to a strict examination, enter the results in Part II, Form O. P. R. 6-B and record its opinion as to the accuracy with which the pensioner has answered the questions prescribed in Part I regarding his medical history and habits. Lastly it shall attest the unattested copy of the photograph of the pensioner, complete the certificate contained in Part III of Form O. P. R. 6-B and in case of non-gazetted Government servants other than those who are literate enough to sign their names, obtain in its presence the left hand thumb and finger impressions.

(4) In the case of an applicant who has been or is about to be granted an invalid pension the grounds of invalidation or the statement of the medical case shall be duly considered by the certifying medical authority before the certificate in Part III of Form O. P. R. 6-B is signed.

(5) If the medical examination is conducted by a Medical Board in Orissa the applicant shall pay before examination a sum of rupees sixteen in cash out of which rupees four is to be credited to Government and the remaining rupees twelve is to be received by the members of the Board among themselves. If the examination is held at any other place or by a Civil Surgeon in Orissa the applicant shall pay to the medical authority such fee as may be required of him.

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(6) A pensioner, after he has been rejected on the recommendation of a competent medical authority as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by that authority, may be permitted to present himself subsequently for re-examination once only at his own cost with a view to the revision of the original finding, provided that—

(a) an interval of not less than a year shall elapse between the date of the first medical examination and that of the second, and

(b) the second medical examination shall invariably be made by a Medical Board.

The medical authority examining the pensioner should be furnished in addition to the document mentioned in rule 132 with a copy of the report of the medical authority which previously examined him.

(7) The medical authority prescribed in clause (ii) shall, without delay, forward the completed Form O. P. R. 6 and 6-B in original, a copy of the photograph attested by it to the Accounts Officer who gave the certificate contained in Part II of Form O. P. R. 6, a certified copy of the completed Form O. P. R. 6-B to the State Government and a certified copy of Part III of Form O. P. R. 6-B to the applicant.

NOTE—If in the opinion of the medical authority prescribed in sub-rule (2) of the rule 134 some special examination is necessary which it is not in a position to carry out itself, it may require the applicant to undergo such examination at his own expense. No payment towards expenditure incurred by him for such examination shall be made by Government irrespective of the result of the examination.

135. (1) The administrative sanction accorded under rule 134 shall lapse if the medical examination does not take place within the period prescribed in the sanctioning order. If the applicant, does not appear at such examination before the said medical authority within the prescribed period the sanctioning authority may, at its discretion, renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice at any time before medical examination takes place :

Provided that, if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application in writing sent to the Accountant-General and to the Government in the Finance Department within two weeks from the date on which he receives intimation of the medical authority.

If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be assumed to have accepted the sum offered.

(2) Subject to provisions contained in sub-rule (1) the commutation shall become absolute, that is the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue, on the date on which the medical authority signs the medical certificate. Payment of the commuted value shall be made as expeditiously as possible but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for commutation may be withdrawn has expired. Whatever the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value was paid on the date on which commutation becomes absolute. If the commuted portion of the pension has been drawn after the date on which the commutation becomes absolute, the amount drawn shall be deducted from the amount payable in commutation.

NOTE 1—If in the case of an impaired life the applicant wishes to reduce the amount to be commuted within the period of two weeks allowed in this rule, the original applications will be considered as withdrawn and the request treated as a new application.

NOTE 2—A person who is allowed provisionally to commute a portion of his pension not exceeding rupees twenty-five and who anticipates that the final amount of pension that he would be entitled to commute might exceed rupees twenty-five shall indicate that fact in his application in case he desires to commute a sum exceeding rupees twenty-five. The sanctioning authority shall in such cases arrange for medical examination as if the amount to be commuted exceeds rupees twenty-five. In case such fact is not indicated the Government servant shall be permitted on finalisation of the amount of his pension to commute the difference between the amount of pension originally commuted and rupees twenty-five without further medical examination,

If the original amount commuted together with the difference referred to does not exceed rupees twenty-five. If the same exceeds rupees twenty-five, the commutation of any further sum, if admissible shall be treated as fresh commutation and allowed subject to examination by a medical Board.

The commutation in respect of difference of the amount of the portion of pension to be commuted for which the medical examination is conducted, shall take effect as the date on which the Medical Board signs its report.

NOTE 3—A pensioner whose application for the commutation of a portion of his pension is expressed as a percentage, or fraction of the total pension admissible to him and who is allowed in the first instance to commute such percentage or fraction of his anticipatory or provisional pension shall, in the event of his final pension being more than his anticipatory or provisional pension, be allowed to commute a further sum. He shall not be required to apply afresh for commutation of the difference between the fraction or percentage of the final pension and anticipatory pension or provisional pension. As the commutation in such cases is payable in two instalments the report of the Accounts Officer will have to be called for in Part II of Form No. O. P. R. 6 for commutation of pension twice. A fresh sanction of the competent authority for the difference of the commuted value i. e., the maximum value accrued minus the value commuted provisionally will also be necessary, regard however being had to the need for further medical examination as per Note I above.

136. If the applicant makes any statement found to be false within his knowledge or willfully suppresses any material fact in connection with his medical examination, the Government may cancel the sanction at any time before payment is actually made and such statement or suppression may be treated as grave misconduct for the purpose of rule 9.

37. The Account Officer on receipt of the completed Forms O. P. R. 6 and O. P. R. 6-B shall provided the medical authority has recommended commutation, arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of pension under intimation to Government.

138. The lump sum, in a case in which application is addressed to the sanctioning authority under clause (a) or clause (b) of rule 129 shall be payable in India in rupees only. In other cases, it shall be payable at the office through which pension is drawn. The rate of exchange for conversion of the lump sum, where the question of conversion arises shall be at such rate as the Government of India may from time to time prescribe.

139. If the Pensioner dies on or after the day following that on which commutation become absolute but before receiving the commutation value, the same shall be paid to his heirs.

140. A commutation once applied for, sanctioned and given effect to cannot be rescinded.

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## CHAPTER XIII

## APPLICATION FOR AND SANCTION OF PENSIONS

141. (1) All authorities dealing with applications for pension and gratuity under these rules should bear in mind that delay in their payment involves pecuniary hardship. It is essential to ensure, therefore, that a Government servant or his beneficiaries begin to receive pension or gratuity on the date on which it becomes due.

(2) In each department and office an officer of appropriate rank should be specifically charged with the responsibility for initiating action in due time regarding the completion of pension records and documents. He should have a list prepared in Form O. P. R. 7 on 1st January and 1st July of all gazetted and non-gazetted Government servants who will attain the age of superannuation twelve to eighteen months after the said date. The attention of every such Government servant should be drawn to the provisions of this rule by the said officer and he should be advised to make a formal application for pension at least one year in advance of the date of his anticipated retirement. A copy of the said list should be sent to the Accounts Officer and to the Administrative Department. Similarly in case of death while in service, the said officer should send intimation regarding the admissibility of death-cum-retirement gratuity and family pension to the nominees or in the absence of a nomination to the eligible family member of the deceased Government servant/pension.

142. (1) Every Government servant shall submit in writing an application for pension in Form O. P. R. 8 :—

Provided that a Gazetted Government servant shall send his application direct to the Audit Officer and a non-gazetted Government servant to the Head of Office.

(2) Every Government servant shall submit his application for pension at least one year in advance of the date of his anticipated retirement:

Provided,—

- (i) In a case in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled; and
- (ii) A Government servant, proceeding on leave preparatory to retirement in excess of one year, shall submit the application at the time of proceeding on such leave.

143. (1) A gazetted Government servant whose pay and allowances are drawn by the Head of Office on establishment bills shall be treated as a non-gazetted Government servant. Such Government servant shall submit his application for pension to the Head of Office and the procedure laid down in rules 149 to 156 (both inclusive) shall apply to him.

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

144. (1) The Head of the Department or any other authority competent to make appointment to the post substantially held by the retiring Government servant shall be competent to sanction pension and gratuity.

(2) The authority referred to in sub-rule (1) shall, after considering the facts of the case and having due regard to the provisions of rule 67, record in Form 6 his orders as to whether the service rendered by the Government servant has been satisfactory and is approved for the grant of full pension or gratuity or both, admissible under the rules or whether the service so rendered has not been thoroughly satisfactory and what reduction should, for that reason, be made from the full pension or gratuity or both.

145. (1) Subject to the provisions of rules 9 and 10, pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently:

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

(2) For the purpose of sub-rule (1), the Government servant 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 servant 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 pension in future, in one or more instalments, as the said authority may direct.

#### GAZETTED GOVERNMENT SERVANTS

146. The Audit Officer concerned shall undertake the work of preparing pension papers in Form O. P. R. 9 one year 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. This work shall not be delayed till the Government servant has actually submitted his application for pension.

*Explanation*—In this rule and in rules 147 and 148, the expression "Government servant" means a gazetted Government servant other than a gazetted Government servant referred to in sub-rule (1) of rule 143.

147. (1) (a) The Audit Officer concerned shall send to every Government servant, under intimation to the Head of the Department, or where the retiring Government servant is himself the Head of the Department, to the Administrative Department concerned, the application for pension in Form O. P. R. 8 one year in advance of the date on which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement.

(b) The Audit Officer shall also draw the attention of the retiring Government servant to the provisions of rule 163.

(2) On receipt of a copy of application for pension from the Audit Officer, retiring Government servant shall return it duly completed to the Audit Officer within the period mentioned in sub-rule (1) under intimation to the Head of the Department or Administrative Department if he is himself the Head of the Department.

(3) (a) The Head of the Department or the Administrative Department shall communicate the orders of the pension sanctioning authority to the Audit Officer in Form O. P. R. 9 A within a period of three months from the date of receipt of the intimation referred to in sub-rule (1) but in no case later than the date of retirement of the Government servant.

(b) If the order of the pension sanctioning authority are not received by the Audit Officer within the period mentioned in clause (a), he shall assume that the retiring Government servant has been allowed full pension or gratuity or both as admissible under the rules.

(c) If, after the communication of the order of sanction to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority.

(d) In case no such event has occurred, a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the Government servant after the despatch of Form O. P. R. 9 A mentioned in clause (a) shall be forwarded to the Audit Officer within a week of the date on which the Government servant retires.

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(4) The Head or Office shall furnish to the Audit Officer, at least fourteen days 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 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 158 the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.

(5) When the Government servant has retired from service, a notification in the Official Gazette specifying the actual date of his retirement shall be issued within a week of such date and a copy of every such notification shall be forwarded 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 the leave is curtailed and the retirement is for any reason ante-dated or postponed.

(6) 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 orders of the pension sanctioning authority and the audit enforcement on Section IV of O. P. R. 9 and the dues mentioned in sub-rule (4), 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 fortnight in advance of the date on which the Government servant is due to retire.

(7) 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.

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

148. (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 Audit Officer shall determine the pension or gratuity or both 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 the disbursement of the pension so determined as 'anticipatory pension' and of three-fourths of the amount of gratuity so determined as 'anticipatory gratuity' after deducting therefrom the dues mentioned in sub-rule (4) of rule 147. If the pension is payable in England, he shall report the amount payable to the High Commissioner for India in the United Kingdom who will authorise the disbursement of the amount reported or such smaller amount as may be deemed proper.

(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 Government servant under sub-rule (1) is afterwards found to be in excess of that to which he is entitled under these rules, he shall be called upon to refund such excess in the manner and under the conditions specified in rule 145.

#### NON-GAZETTED GOVERNMENT SERVANTS

149. (1) Every Head of Office shall undertake the work of preparing pension papers in Form O. P. R. 9 one year 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. This work shall not be delayed till the Government servant has actually submitted his application in writing for pension in Form O. P. R. 8.

(2) (a) The Head of Office shall send to every Government servant the application for pension in Form O. P. R. 8 one year in advance of the date on which the Government servant attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement.

(b) The Head of Office shall also draw attention of the retiring Government servant to the provisions of rule 163.

150. (1) The Head of Office shall prepare in Section I of O. P. R. 9 a statement of the Government servant's service.

(2) (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 certificates of verification for the entire service are recorded therein.

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

(3) If the service for any period is not capable of being verified in the manner specified in sub-rule (2), 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.

(4) (a) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-rule (2) or sub-rule (3), the Government servant shall file a written statement on plain paper stating that he had in fact rendered that period of service, and shall, in support of the statement, make and subscribe a declaration as to the truth of that statement, and shall in support of such declaration, produce all documentary evidence and furnish all information which is in his power to produce or furnish.

(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 purposes of calculating the pension of that Government servant.

151. (1) After completing the service statement mentioned in rule 150, the Head of Office shall complete Part I of Form O. P. R. 9 irrespective of the fact whether an application for pension has been received from the Government servant or not.

(2) If at the time of completing Part I of Form O. P. R. 9 the said application from the Government servant has not been received, the relevant columns in Part I of Form O. P. R. 9 shall be left unfilled and relevant entries made as soon as the said application is received.

152. (1) (a) After complying with the requirements of rule 151 the Head of Office shall certify in Form O. P. R. 9-A as to whether the character, conduct and past service of the Government servant are such as to entitle him to the favourable consideration of the pension sanctioning authority.

(b) The Head of Office shall also record in Form O. P. R. 9-A his opinion as to whether the service claimed has been established and should be admitted or not.

(c) Where the Head of Office is not the pension sanctioning authority, he shall obtain the orders of such authority in Form O. P. R. 9-A.

(2) (a) After completing Form O. P. R. 9-A the Head of Office shall send Form O. P. R. 9-A and Form O. P. R. 9 in original to the Audit Officer, with a covering letter in Form O. P. R. 9-B 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 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.

(3) Where payment is desired in another circle of audit, the Head of Office shall send in duplicate Forms O. P. R. 9-A and O. P. R. 9 to the Audit Officer.

153. (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 pension sanctioning authority.

(2) Where the pension papers have been sent to the Audit Officer before the actual date of retirement of the Government servant, a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting the service by the pension sanctioning authority to the date of actual retirement together with a copy of the order specifying the date of actual retirement shall be forwarded to the Audit Officer within a week from the date of actual retirement of the Government servant.

(3) The Head of Office shall furnish to the Audit Officer, at least fourteen days 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 of gratuity for adjustment of Government dues which have not been assessed, if under rule 158 the Government servant has made a cash deposit or furnished a surety of a permanent Government servant.

154. (1) After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of Office shall draw provisional pension not exceeding the maximum pension and three-fourths of the gratuity as indicated in Form O. P. R. 9 and for this purpose adopt the following procedure, namely :—

(a) he shall issue a sanction letter to the Government servant endorsing a copy thereof to the Audit Officer indicating the amount of provisional pension and three-fourths of the gratuity payable to such Government servant on retirement from service;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3) of rule 153.

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

(i) the amount of provisional pension, and

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

(2) The Head of Office shall take steps to draw and disburse the provisional pension and gratuity to the retired Government servant on the first day of the month following the month in which the Government servant retired from service.

(3) The payment of provisional pension shall continue for a period of six months from the date of retirement of the Government servant unless the period is extended by the Audit Officer under the proviso to sub-rule (1) of rule 156.

(4) The Head of Office shall inform the Audit Officer—

(a) as soon as the gratuity has paid to the retired Government servant, and

(b) as soon as the provisional pension has been paid to the retired Government servant for a period of six months or for the period extended under the proviso to sub-rule (1) of rule 156 as the case may be.

(5) If the pensioner desires the payment of provisional 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.

155. (1) It shall be open to the Government servant to receive the payment of the balance of the gratuity from the Treasury from which the payment of final pension is desired 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 this behalf to the Head of Office in writing before the date of his retirement.

(3) The Head of Office shall thereupon take steps to draw and disburse the balance of the gratuity after the Audit Officer has issued the necessary authority as provided in sub-rule (4) of rule 156.

**156. (1)** On receipt of the pension papers referred to in rule 152 the Audit Officer shall apply the requisite checks, record his audit encasement on Section IV of Form O. P. R. 9 and assess the amount of final pension and gratuity, within a period of six months from the date of retirement of the Government servant :

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 under intimation to the Treasury Officer concerned and authorise the Head of Office to continue to disburse the provisional pension to the retired Government servant for such period as may be specified by the Audit Officer.

(2) (a) If the pension is payable in his circle of audit, the Audit Officer shall prepare the Pension Payment Order.

(b) The payment of pension shall be effective from the date following the date on which the payment of provisional pension ceased.

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

(3) The Audit Officer shall authorise the payment of balance of the gratuity after adjusting the amount, if any, outstanding against the retired Government servant and if such balance 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.

(5) 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 pension papers which are no longer required shall be returned to him.

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

(7) If the final pension and balance of the gratuity are payable in another circle of audit, the Audit Officer shall send a copy each of Form O.P.R. 9-A and 9 along with his audit encasement and the last pay certificate, if received, to the Audit Officer of the circle who shall prepare the Pension Payment Order and order for the payment of balance of the gratuity:

Provided that the adjustment of provisional 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.

(8) If the amount of provisional pension drawn and disbursed by the Head of Office is found to be in excess of the final pension assessed by the Audit Officer, it shall be open to the Audit Officer 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.

#### GOVERNMENT DUES

**157. (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 him, or

- (b) out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Government dues shall be deducted therefrom.

*Explanation*—The expression “ascertainable Government dues” includes balance of house building or conveyance 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, 1961 (43 of 1961).

158. (1) (a) If any of the Government dues (other than those referred to in rule 157) remain unrealised and unassessed for any reasons, the retiring Government servant may be asked to furnish in Form O.P.R. 9-C a surety of a suitable permanent Government servant.

(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 a 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) Effort 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 is outstanding against him.

*Explanation*—In respect of dues pertaining to the occupation of Government accommodation by the Government servant, the period of six months shall reckon from the date of retirement, or from the date of complete vacation of the Government accommodation, whichever is later.

(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 the 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 retired Government servant.

## CHAPTER XIV

## SANCTION OF FAMILY PENSION AND DEATH-cum-RETIREMENT GRATUITY IN RESPECT OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE

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

(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 74, 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 O. P. R. 10 or 11 as may be appropriate for making a claim in Form O. P. R. 12.

(4) Where the family of the deceased Government servant is eligible for the contributory family pension under rule 85

(a) the Audit Officer shall address the widow or widower in Form O. P. R. 13 for making a claim in Form O. P. R. 14 and

(b) Where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form O. P. R. 14 to the Audit Officer;

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(5) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 77, the Audit Officer shall ascertain.

(i) if the deceased Government servant had nominated a member of his family to receive the payment of the non-contributory family pension; and

(ii) Where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable.

(b) The Audit Officer shall then address the person concerned in Form O. P. R. 15 and 16 as may be appropriate, for making a claim in Form O. P. R. 18.

(6) (a) Notwithstanding anything contained in sub-rules (3) to (5), 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) The orders of the pension sanctioning authority in Part III of Form O. P. R. 18,

(iv) 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 158.

(7) On receipt of the claim or claims, the Audit Officer shall complete Form O. P. R. 18 and finally assess the amount of death-cum-retirement gratuity or family pension or both.

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

(9) (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 clause (a) of sub-rule (6) 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 or claimants after the expiry of the period referred to in clause (a) of sub-rule (3) of rule 158.

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

(10) 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.

(11) 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.

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

(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 is or are payable in respect of the deceased Government servant.

*Explanation—*For the purpose of this rule the expression 'non-gazetted Government servant' includes:—

(i) a gazetted Government servant referred to in sub-rule (1) of rule 143 and

(ii) a gazetted Government servant who before his death did not hold a lien or a suspended lien on a permanent pensionable service or post in gazetted capacity but held a lien or a 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 74 the Head of Office shall ascertain:—

(i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and

(ii) where the deceased Government 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 O. P. R. 10 or Form O. P. R. 11 as may be appropriate who may submit a claim in Form O. P. R. 12.

(3) Where the family of the deceased Government servant is eligible for the contributory family pension under rule 85.

(a) the Head of Office shall address the widow or widower in Form O. P. R. 13 for making a claim in Form O. P. R. 14.

(b) Where the deceased Government servant is survived only by child or children, the guardian of such child or children may submit a claim in Form O. P. R. 14 to the Head of Office:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(4) (a) Where the family of the deceased Government servant is eligible for non-contributory family pension under rule 77 the Head of Office shall ascertain—

- (i) if the deceased Government servant had nominated any member of his family to receive the payment of non-contributory family pension; and
- (ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the non-contributory family pension may be payable.

(b) the Head of Office shall, then, address the person concerned in Form O. P. R. 15 or Form O. P. R. 16 as may be appropriate, for making a claim in Form O. P. R. 17.

(5) 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 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.

NOTE—The amount of gratuity to be held over shall be determined in accordance with the provisions of clauses (b) and (c) of sub-rule (2) of rule 158.

(6) (a) (i) On receipt of the claim or claims, the Head of Office shall complete Form O. P. R. 18 and certify in Part III of that Form as to whether the character, conduct and past service of the deceased Government servant were such as to entitle the family to the favourable consideration of the pension sanctioning authority in the matter of grant of death-cum-retirement gratuity and non-contributory family pension (if applicable).

(ii) The Head of Office shall also record in Part III of Form O. P. R. 18 his opinion as to whether the service claimed has been established and should be admitted or not.

(iii) Where the Head of Office is not the pension sanctioning authority, he shall obtain the orders of such authority in Form O. P. R. 18.

(b) After completing Form O. P. R. 18 the Head Office shall send that Form in original to the Audit Officer with a covering letter in Form O. P. R. 19 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 a manner that they can be conveniently consulted.

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

(d) If the Payment is desired in another circle of audit, Form O. P. R. 18 shall be sent in duplicate to the Audit Officer.

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## CHAPTER XV

## SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

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

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

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of contributory family pension under rule 85 the amount of contributory family pension as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.

(ii) On receipt of an application from the widow or widower, the Treasury Officer from whom the deceased pensioner was drawing his or her pension shall authorise the payment of contributory family pension to the widow or widower, as the case may be.

(b) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form O. P. R. 14 to the Head of Office for the payment of contributory family pension :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.

(ii) On receipt of the claim from the guardian, the Head of Office shall sanction the contributory family pension in Form O. P. R. 20.

(c) (i) Where a widow or widower in receipt of contributory family pension dies and leave behind child or children who is or are eligible for contributory family pension, the guardian may submit a claim in Form O. P. R. 14 to the Head of Office for the payment of contributory family pension :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Head of Office shall sanction contributory family pension in Form O. P. R. 21.

(3) (a) In case the deceased pensioner was Governed by the non-contributory family pension and his death had taken place within five years of his retirement, the non-contributory family pension shall become payable to the eligible member of the family of the deceased pensioner as provided in rule 77 for the unexpired period of five years from the date of retirement of the deceased.

(b) On receipt of a claim in Form O. P. R. 17 from such member, the Head of Office shall sanction the non-contributory family pension for the unexpired period aforesaid.

(4) Where on the death of retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of rule 74, the Head of office shall sanction its payment on receipt of a claim or claims in Form O. P. R. 22 from the person or persons eligible to receive the residuary gratuity.

162. On receipt of the sanction regarding the payment of family pension the Audit Officer shall authorise the payment of the same.

## CHAPTER XVI

## PAYMENT OF PENSIONS

163. (1) Apart from special orders, a pension other than extraordinary pension, is payable from the date on which the pensioner ceased to be borne on the establishment or from the date of application whichever is later. The objective of this latter alternative is to prevent unnecessary delay in the submission of applications. This rule may be relaxed, by the authority sanctioning the pension when the delay is sufficiently explained.

(2) Family pension under these rules is payable from the day following the date of death of the Government servant or the pensioner, as the case may be.

(3) In cases where a Government servant dies shortly after retirement without having formally applied for pension, the authority competent to sanction pension to the deceased Government servant may relax the provisions of this rule and sanction pension or gratuity to the Government servant from the date of retirement up to and inclusive of the date of his death as if he had made a formal application for the same before retirement, provided that the period between his retirement and death does not exceed six months. Cases in which such period exceeds six months should, however, be referred to the Finance Department.

164. In cases where considerable delay has occurred in making application for an extraordinary pension it will be granted only from the date of the report by the Medical Board, and no application for gratuity or pension will be entertained unless submitted within five years of the wound or injury.

165. Except as otherwise provided, all pensions shall be payable in rupees in India:

Provided that in the case of a non-India Officer who entered service before the 10th September 1949 and who on retirement took up his residence in the United Kingdom, payment of pension except death-*cum*-retirement gratuity and family pension admissible under Chapters VII and VIII may be made in sterling through the High Commissioner for India in the United Kingdom for the period of such residence at the minimum rate of conversion of 1s. 9d. to the rupee:

Provided further that Indian Pensioners who retired from service before the 12th June, 1956 and who before that date took up residence in the United Kingdom shall continue to enjoy the concession of conversion of their pensions in to sterling at the minimum rate of 1s. 9d. to the rupee during the continuance of their residence in the United Kingdom.

*Explanation*—For the purpose of this rule the expression "non-Indian" means a person who on the date of his retirement was a citizen of a country other than India.

*NOTE*—As the payment of pension outside India involves the question of foreign exchange, any order that may be issued by the Government of India on questions relating to payment of pensions outside India will generally apply in the case of pensioners of the State of Orissa.

166. Transfer of a pension from India to the United Kingdom (where it is payable through the High Commissioner for India) and *vice versa* is permitted twice only.

167. Application for transfer of payment from India to England should be made to the Accountant-General within whose jurisdiction the treasury of payment is situated. The Accountant-General will grant a last pay certificate forwarding a duplicate with a copy of the first page of the application for pension upon which the pension was originally granted, the High Commissioner for India.

168. (1) The Accountant-General of the State in which payment is to be made will then communicate to the officer who is to pay the pension, the authority to make the payment, in the shape of a pension payment order.

(2) In cases where the payment is to be made in another Audit Circle, the Accountant-General will forward a copy of the first page of pension application form, a copy of order sanctioning the grant of pension or gratuity, last pay certificate (in original) with necessary identification marks, slips containing specimen signatures of the pensioners and left hand thumb and finger impressions in the case of illiterate persons duly attested by the Head of the Office, concerned or by some other responsible person authorised by the head of the office together with the certified copies of photograph (wherever necessary) to the Accountant-General concerned.

(5) Each pension payment order shall be accompanied by the pensioner's half of the pension payment order intended to be delivered by the disbursing officer to the pensioner.

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169. Where the gratuitant happens to be a minor, payment of gratuity shall be regulated in the following manner :—

(i) where no valid nomination subsists :—

- (a) When a share is payable to minor sons or minor unmarried daughters, it should be paid to the surviving parent except in the case when the surviving parent happens to be a Muslim lady, payment will have to be made to the person producing the guardianship certificate.
- (b) When a share is payable to widowed minor daughter(s) production of a guardianship certificate would be necessary.
- (c) If in rare cases the wife happens to be a minor, the death-cum-retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.
- (d) When there are no surviving members of the family as in items (i), (ii), (iii), (iv) and (v) of sub-rule (4) of rule 74 and the death-cum-retirement gratuity becomes payable to minor brother or minor unmarried sister, the payment should be made to the father or in his absence, the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case, too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate would be necessary.

(ii) Where a valid nomination subsists :—

- (a) If the nomination is in respect of one or more of the members of the family, the position stated against para. (1) above would apply.
- (b) If there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister would also be valid. The position would, therefore, be as follows:—
  - (i) If the nominee is an illegitimate child, share will be payable to the mother, and in her absence the production of a guardianship certificate would be necessary.
  - (ii) If the share is payable to a married minor girl, the share will be payable to the husband.
- (c) Notwithstanding anything contained in clause (b) payment of death-cum-retirement gratuity to the extent of rupees five thousand or the first rupees five thousand where the amount payable exceeds rupees five thousand in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without production of a formal guardianship certificate but subject to the production of an indemnity bond in Form O. P. R. (23) with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of rupees five thousand if any, would become payable on the production of a guardianship certificate.

NOTE—The indemnity bond shall be executed in Form O. P. R. (23) and the stamp duty shall be borne by the Government. The bond should be executed on any durable plain paper and signed by the obligor and the surety/sureties or their respective attorneys and accepted by an officer duly authorised under Article 299(1) of the Constitution of India.

170. A pension is payable in India monthly on and after the first day of the following month in accordance with the provisions specified hereunder—

- (a) On receipt of the pension payment order, the disbursing officer shall deliver one-half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto.
- (b) Each payment made is to be entered on the reverse both of pensioner's half and of the Disbursing Officer's half of the pension payment order, both entries being attested at the time of payment by the signature of the Disbursing Officer.
- (c) A pension is payable for the day on which the pensioner dies the hour at which death takes place has no effect on the claim.

NOTE—In regard to the liability of pension to attachment by a Civil Court, section 11 of the Pension Act, 1871 may be referred to.

171. (1) As a rule a pensioner shall take payment in person after identification by comparison with the pension payment order.

NOTE—The Heads of Offices should, at the time of completing pension application forms and transmitting the pension papers to the Accounts Officer concerned, forward therewith two certified copies of such pensioner's photograph in pass-port size. The Accounts Officer will have one copy of the photograph pasted on the Disbursing Officer's half of the pension payment order, and the Treasury Officer will then be in a position to make payment on the strength of the resemblance between the pensioner and his photograph pending the final reconciliation of any question which may arise about identification marks. This means of identification of pensioners will be in addition to the existing system of recording the thumb and finger impressions, which will remain a permanent and reliable record of pensioner's identity.

(2) Payment of pension up to rupees two hundred and fifty may be made by Postal Money Order at the option and expense of the pensioner in accordance with the provisions of the Orissa Treasury Code, Volume I.

(3) When a pensioner is a minor, or is for any other reason incapable of managing his own affairs, and has no regularly appointed manager or guardian the Collector may, on application by or on behalf of the pensioner, and subject to such conditions as he may impose, declare any suitable person to be the manager or guardian for the purpose of receiving, on behalf of the pensioner, the pension due to him, and payments of pension may be made to such manager or guardian in the same way as to the original holder; provided that sufficient proof is forthcoming at the time of each payment, of the original holder being alive and eligible to receive the pension for the period covered by the payment. Such declaration may, at any time, be revoked or altered at the discretion of the Collector.

(4) Pension of a person who is certified by a Magistrate to be a lunatic should be paid in accordance with provisions of sub-section (1) of section 95 of the Indian Lunacy Act.

172. (1) A pensioner specially exempted by the Government from personal appearance, a female pensioner not accustomed to appear in public, or a pensioner who is unable to appear in consequence of bodily illness or infirmity, may receive his or her pension through a representative upon the production of a life certificate signed by a responsible gazetted officer of Government or by some other well-known and trust-worthy person.

NOTE—The power to grant exemption under this rule from personal appearance to draw pension may be exercised by the Collector of the district.

(2) A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) or by any Registrar, or Sub-Registrar appointed under the Indian Registration Act, 1908 (16 of 1908) or by any pensioned officer who before retirement exercised the powers of a Magistrate or by any gazetted officer, or by a Munsif, or by a Police Officer not below the rank of Sub-Inspector in charge of a Police-station, or by a Postmaster, a Departmental Sub-Postmaster, or an Inspector of Post Office or by a Class I Officer of the Reserve Bank of India or a staff officer or staff assistant of the State Bank of India, is exempted from personal appearance.

(For delegations under this rule, see Appendix I)

173. (1) In all cases referred to in rules 171 and 172 the disbursing officer must take precautions to prevent impositions, and must at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner.

(2) For this purpose he should (save in cases of exemption from personal appearance granted by the Government) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.

NOTE 1—The disbursing officer is personally responsible for any payment wrongly made. In case of doubt, he should consult the Accountant-General.

NOTE 2—A pensioner of rank may be privately identified by the disbursing officer and need not be required to appear at a public office.

(3) A life certificate must accompany every claim which is not personally presented except in the cases specified in foregoing sub-rule. When payment is made on life certificate, it can be made only for periods completed on or before the date of the certificate.

174. (1) A pensioner not resident in India may draw his pension at any treasury in India through a duly authorised agent, who must either produce a certificate by a Magistrate, a Notary, Banker, or a diplomatic representative of India, on each occasion, that the pensioner was alive on the date to which his pension is claimed, or execute a bond to refund over payments and produce such a certificate as aforesaid at least once a year.

(2) A pensioner of any description resident in India is exempted from personal appearance if he draws his pension through a duly authorised agent approved by the Government who must execute a bond to refund over payments and produce at least once a year a life certificate signed by any of the persons specified in sub-rule (2) of rule 172.

(3) The pension of a retired Government servant drawing his pension through an authorised agent who has executed a bond to refund over payments should not be paid on account of a period of more than a year after the date of the life certificate last received and the disbursing officer shall be on the watch for authentic information of the death of any such pensioner, and on receipt thereof, shall promptly stop further payments.

NOTE—When a pensioner draws his pension through an agent the claim must be supported by the written authority of the pensioner to pay the pension to agent nominated to receive payment on his behalf. In such cases, the endorsement "received payments" must be signed by the pensioner and a separate receipt which need not be stamped, shall be furnished by the agent in token of having actually received the payment.

175. (1) Accountant-General may, on application and on sufficient cause being shown, permit transfer of payment of pension from any treasury in the State to another outside the State.

(2) The Treasury Officer in charge of a district may transfer the payment of a pension from one district to another within the State or may authorise payment of pension in any sub-treasury within the district.

176. (1) A pensioner drawing pension in India is required to append to his bill a certificate as follows:—

"I declare that I have not received any remuneration for serving in any capacity, either under Government or under Local Fund during the period for which the amount of pension claimed in this bill is due."

(2) In the case of a pensioner permitted to draw pension after re-employment, this certificate should be modified according to the facts.

(3) In the case of a pensioner drawing his pension through an agent, who has executed a bond of indemnity, the certificate modified accordingly may be signed by the agent: provided that the pensioner shall <sup>himself</sup> ~~herself~~ furnish, once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificates.

177. When the reverse of a pension payment order is filled up, or when the pensioner's half is found to be worn or torn, both halves may be renewed by the Treasury Officer.

178. If a pensioner loses his half of the pension payment order, a new order may be issued by the Treasury Officer, who should see that no payment is made on the half alleged to be lost.

179. Unless the Government by general or special orders direct otherwise, a pension remaining undrawn for more than one year, shall cease to be payable.

180. (1) If the pensioner afterwards appears or a claim is presented on his behalf the disbursing officer may make the payments, but the arrears cannot be paid if the pension in arrears is to be paid for the first time or if the amount of arrears exceeds rupees two thousand five hundred without the previous sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant-General :

Provided that if in any case a pension remain unpaid for three years it cannot be paid without the authority of the Accountant-General.

(2) A gratuity payment order shall remain in force for one year from the date of issue of the said order.

181. If the suspension of payment is attributable to error or neglect by any Government servant, the Accountant-General may direct payment of the arrears without taking the orders of the Government, but the Accountant-General should inform the same to the Finance Department.

182. (1) On the death of a pensioner, payment of any arrears actually due may be made to his heirs; provided that they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant-General.

(2) If the arrears do not exceed Rs. 100, and the case presents no peculiar features, the Accountant-General is empowered to pass the arrears on his own authority.

(3) After payment of the arrears of pension, the pension payment order should be returned to the Accountant-General with a report of the date of the death of the pensioner.

183. Subject to the provisions of rule 175 the arrears of pension of a deceased pensioner may be paid to the heirs of the deceased, without the production of the usual legal authority, to the extent of Rs. 500 under the orders of the Collector or such officer as may be authorised by Government, after such enquiry into the rights and title of the claimants as may be deemed sufficient. Any excess above Rs. 500 may similarly be paid under the orders of the Government on execution of an indemnity bond in Form O. P. R. 23 with such surities as they may require if they are satisfied of the right and title of the claimant and consider that undue delay and hardship would be caused by insisting on the production of letters of administration.

In any case of doubt, payment should be made only to the person producing legal authority.

184. When a pension is granted to a pensioner who desires that payment thereof from the date of its commencement should be made in England, the Audit Officer who audits the pay of the pensioner should, on receipt of sanction to the grant of pension, issue a last pay certificate and forward to the High Commissioner for India a duplicate thereof, together with a copy of the first page of the application for pension and of the order of the Government or other authority granting the pension. The specific date from which payment is to be made should be mentioned in the forwarding letter, the date being ascertained from the last pay certificate.

185. Intimation of any revision of pension paid in England should be made to the High Commissioner for India, so as to reach him before the pensioner is informed.

## CHAPTER XVII

## MISCELLANEOUS

186. Where the Governor is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of the said provisions to such extent and subject to such condition as he may consider necessary for dealing with case in a just and equitable manner.

187. Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

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

(2) Notwithstanding such cesser 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 purpose of contributory family pension, and

(iii) every formal application for the sanction of pension, which a Government had made or given under the old rule 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 or any formal application for the sanction of pension, required to be made or given by a Government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules ;

(c) any case which pertains to the 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 rule 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 the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made.

(e) subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall deemed to have been done or taken under the corresponding provisions of these rules.

**APPENDIX-I**

**List of delegated powers which may be exercised by the Administrative Departments and other Subordinate Authorities**

Srial No.	Reference to Rule	Nature of power	Authority to which delegation is made	Extent of power	Conditions, if any
(1)	(2)	(3)	(4)	(5)	(6)
1	Rule 46	.. Condonation of deficiency in qualifying service.	(a) Authority competent to sanction pension.  (b) Administrative Departments of Government.	Up to 3 months  Up to 6 months	
2	Rule 50	.. Payment of gratuity on abolition of office in lieu of notice.	Authority competent to dispense with the officer's service.	Full power	
3	Rule 55	.. Reimbursement of fees of Medical Officers/Medical Board in connection with medical examination for invalidation from Government Service.	(a) Administrative Department of Government and Heads of Departments.  (b) Administrative Departments of Government.	Full power in the case of non-gazetted Government servants.  Full power in the case of gazetted Government servants.	
4	Rule 61	.. (a) Alterations in the date of birth in the case of non-gazetted Government servants.  (b) Alterations in the date of birth in the case of Gazetted Government servants.	Administrative Departments of Government and Heads of Departments.  Administrative Departments	Full power  Full power	.. Only in the case of clerical error.  .. Ditto
5	Rule 109	.. Sanction of Extraordinary pension and gratuity.	Ditto	.. Full power	.. Provided the pension or gratuity is held to be clearly covered by or admissible under the relevant rules. In case of disagreement among the Audit Office.

and the Administrative Department either in regard to admissibility of the benefit or the amount, cases should be referred to Finance Department.

6	Rule 121	..	Fixation of pay on re-employment after retirement.  Where the initial pay of the post plus pension and other retirement benefits does not exceed the pre-retirement pay.	} Administrative Department	Full power	..
7	Rule 129	..	Powers to sanction application for commutation addressed to High Commissioner of India.			High Commissioner of India
8	Rule 144	..	Sanction of pension (including family pension).	Heads of Department and subordinate authorities.	Full power in respect of post which they are competent to fill.	..
9	Rule 150	..	To admit service on the basis of written statement and collectoral evidence.	Authority empowered to sanction pension.	Full power	..
10	Rule 163	..	Retrospective effect of commencement of pension when the delay in submitting application is sufficiently explained.	Authority empowered to sanction pension.	Full power	..

## APPENDIX 2

The following should be treated as Local Funds for the purpose of this rule:—

## URBAN DEVELOPMENT DEPARTMENT

1. All Municipalities in the State of Orissa
2. All Notified Area Councils in the State of Orissa
3. Lodging House Fund, Puri
4. Joint Water Works, Puri

## HEALTH DEPARTMENT

5. Orissa Board of Homeopathic Medicine

## INDUSTRIES DEPARTMENT

6. Board of Scientific and Industrial Research
7. Orissa River Board

## COMMUNITY DEVELOPMENT &amp; PANCHAYATI RAJ (C. D.) DEPARTMENT

8. Panchayat Samities
9. Zilla Parisads

## MINING &amp; GEOLOGY DEPARTMENT

10. Orissa Mining Areas Development Fund

## EDUCATION DEPARTMENT

11. Utkal University
12. Berhampur University
13. Sambalpur University
14. Board of Secondary Education
15. Aided Educational Institutions (Colleges, High Schools, M. E. Schools, etc.)

## AGRICULTURE DEPARTMENT

16. Orissa University of Agriculture and Technology

## LAW DEPARTMENT

17. Orissa Hindu Religious Endowment Fund

## COMMUNITY DEVELOPMENT &amp; PANCHAYATI RAJ (G. P.) DEPARTMENT

18. Grama Panchayats

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SCHEDULE

FORM O. P. R. 1-A

[ See rule 100 (6) ]

Nomination for Death-cum-Retirement Gratuity

When the Government Servant has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which have become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the Government servant	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the officer or the nominee dying after the death of the Government servant but before receiving payment of the 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.

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

Witnesses to signature

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

Signature of the Government servant

(\*) NOTE—This column should be filled in so as to cover the whole amount of gratuity.  
(To be filled in by the Head of Office in the case of non-gazetted Government servant)

Nomination by..... Signature of Head of Office.....

Designation..... Dated.....

Office..... Designation.....

*Pro forma for acknowledging the receipt of the nomination form by the Head of Office/Audit Officer*

To  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIR

In acknowledging the receipt of your nomination/cancellation dated.....of the nomination made earlier in respect of death-cum-retirement gratuity in Form O. P. R. 1-A, I am to state that they have been duly placed on record.

Date.....

Signature of Head of Office/Audit Officer  
(Designation)

FORM O. P. R. 1-B

(See rule 100 (6))

**Nomination for Death-Cum-Retirement Gratuity**

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

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death—

Name and addresses of nominees	Relationship with Government servant	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the officer or the nominee dying after the death of the Government servant but before receiving payment of the gratuity	Amount or share of gratuity payable to each
1	2	3	4	5	6	7

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

(The officer shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed).

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

At.....

Witnesses to Signature—

1.....

2.....

Signature of Government servant

\*NOTE 1— Fourth column should be filled in so as to cover the whole amount of gratuity.

NOTE 2—The amount/share of gratuity shown in the last column should cover the whole amount share payable to the original nominees.

(To be filled in by the Head of Office in the case of non-gazetted Government servant)

Nomination by.....

Signature of Head of Office.....

Designation.....

Date.....

Office.....

Designation.....

Pro forma for acknowledging the receipt of the nomination form by the Head of Office/Audit Officer

To \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIR,

In acknowledging the receipt of your nomination/cancellation dated.....of the nomination made earlier, in respect of death-cum-retirement gratuity in Form O. P. R. 1-B. I am to state that they have been duly placed on record.

Signature of Head Office/Audit Officer  
(Designation)

Date.....

SIR,

In the nomi to state t

Date....

FORM O. P. R. 1-C

[See rule 100 (6)]

Nomination for Death-cum-Retirement Gratuity

When the Government servant has no family and wishes to nominate one person,

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and address of nominee	Relationship with Government servant	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the officer or the nominee dying after the death of the Government servant before receiving the payment of gratuity	Amount or 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.

Dated this..... day of..... 19..... At.....  
 Witnesses to signature.....

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

Signature of Government servant

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

(To be filled in by the Head of Office in the case of a non-gazetted Officer.)

Nomination by..... Signature of Head of Office.....  
 Designation..... Date.....  
 Office..... Designation.....

Pro Forma for Acknowledging the receipt of the Nomination form by the Head of Office/Audit Officer.

To

\_\_\_\_\_

\_\_\_\_\_

SIR,

In acknowledging the receipt of your nomination/cancellation, dated..... of the nomination made earlier, in respect of death-cum-retirement gratuity in form O. P. R. 1-C, I am to state that they have been duly placed on record.

Date.....

Signature of Head of Office/Audit Officer (Designation)

[See rule 100(6)]

Nomination for Death-cum-Retirement Gratuity

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

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death:—

Name and addresses of nominees	Relationship with Government servant	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, addresses and relationship 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 officer or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity
1	2		4	5	6	7

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

(The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed).

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

Witnesses to signature—

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

Signature of Government Servant

\*NOTE 1— Fourth column should be filled in so as to cover the whole amount of gratuity.

NOTE 2— This amount/share of gratuity shown in last column should cover the whole amount/share payable to the original nominees.

(To be filled in by the Head of Office in the case of a non-gazetted officer)

Nomination by ..... Signature of Head of Office .....

Designation ..... Date .....

Office ..... Designation .....

Pro forma for acknowledging the receipt of the Nomination form by the Head of office/Audit Officer

To \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIR,

In acknowledging the receipt of your nomination cancellation dated ..... of the nomination made earlier, in respect of death-cum-retirement gratuity in Form O. P. R. 1-D, I am to state that they have been duly placed on record.

Dated .....

Signature of Head of Office/  
 Audit Officer (Designation)

To \_\_\_\_\_

SIR,

In acknowledgement of your nomination made earlier, I am to state that they have been duly placed on record.

Dated .....

FORM O. P. R.-2

( See Rule 104 )

Nomination for Family Pension

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by Government in the event of my death after completion of 10 years qualifying service.

Name and address of nominee	Relationship with Government Servant	Age	Whether married or unmarried
1	2	3	4

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

( The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed. )

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

witnesses to signature—

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

Signature of Government Servant

( To be filled in by the the Head of office in the case of a non-gazetted Government servant. )

Nomination by.....Signature of Head of Office.....

Designation .....Date.....

Office .....Designation.....

Pro forma for acknowledging the receipt of the Nomination form by the Head Office/Audit Officer

To \_\_\_\_\_  
\_\_\_\_\_

SIR,

In acknowledging the receipt of your nomination/cancellation, dated.....of the nomination made earlier, in respect of family pension in Form O. P. R. 2. I am to state that they have been duly placed on record.

Dated.....

Signature of Head of Office/Audit Officer ( Designation )

FORM O. P. R. 2-A

(See Rule 105)

Details of Family

Name of the Government servant

Designation :

Date of birth :

Date of appointment :

Details of the members of my family\* as on.....

Serial No.	Name of the members of family*	Date of birth	Relationship with the officer	Initials of the Head of Office	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					

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

Place

Dated the.....

(Signature of Government servant)

\*Family for this purpose means

- (a) Wife, in the case of a male Government servant;
- (b) Husband, in the case of a female Government servant;
- (c) Sons below eighteen years of age and un-married daughters below twenty-one years of age including such son or daughter adopted legally before retirement.

NOTE—Wife and husband shall include respectively judicially separated wife and husband,

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NOTE

## FORM O. P. R. 3

( See Rule 115 (2) (ii) )

## Form of Application for Injury Pension or Gratuity

1. Name of applicant
2. Father's name
3. Religion and Nationality
4. Residence, showing village and police-station
5. Present or last employment, including name of establishment.
6. Date beginning of service.
7. Length of service
8. Classification of injury
9. Pay at the time of injury
10. Proposed pension or gratuity
11. Date of injury
12. Place of payment
13. Special remarks, if any
14. Date of applicant's birth by Christian era
15. Height
16. Marks  
Thumb, and finger, impression  
Thumb, Fore finger, Middle finger, Ring finger, Little finger
17. Date on which the applicant applied for pension

Signature of Head of Office

NOTE—In the case of gazetted officers, Government title-holders and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required.

FORM O. P. R. 4

[ See rule 115 (2) (ii) ]

## Form of Application for Extraordinary Pension for Family

Application for an extraordinary pension for the family of A, B, late a.....  
 killed, or dies of injuries received, as a result of special risk of office or risk of office submitted by  
 the.....

Description of claimant	..	{	1. Name and residence, showing village and Police-station
			2. Age
			3. Height
			4. Religion and Nationality
			5. Marks for indentification
			6. Present occupation and circumstances
			7. Degree of relationship to deceased
Description of deceased	..	{	8. Name
			9. Occupation and service
			10. Length of service
			11. Pay when killed
			12. Nature of injury causing death
			13. Amount of pension or gratuity proposed
			14. Place of payment
			15. Date from which pension is to commence
			16. Remarks
Name and ages of surviving kindered of deceased.	{	Name and date of birth by Christian era	
		Sons	
		Widows	
		Daughters	
		Father	
			Mother

NOTE—If the deceased has left no son, widow, daughter, father or mother surviving him the word "none" or "dead" should be entered opposite to such relative.

Place.....

Date.....

Signature of Head of Office

## FORM O. P. R. 5

[See rule 115 (2) (iii)]

## Form of Medical Report to be used by Medical Boards when Reporting on Injury or Disease

## PROCEEDINGS OF MEDICAL BOARD

Confidential

Proceedings of a Medical Board assembled by order of.....for the purpose of examining and reporting on the present state <sup>of the injury sustained by</sup> <sub>disease contracted by</sub> .....at (Place of injury, etc.) .....on the (date of injury, etc.)

(a) State briefly the circumstances under which the injury sustained.....was..... disease contracted.

(b) What is the Government servant's present condition ?

(c) Is the Government servant's present condition wholly due to <sup>injury</sup> <sub>the disease ?</sub>  
If not, state to what other causes is it attributable.

(d) In the case of disease, from which date does it appear that the Government servant has been incapacitated ?

The opinion of the Board upon the questions below is as follows :—

## PART A

## First Examination

The severity of the injury should be assessed in accordance with the following classification and details given in the remarks column below :—

1. Is the injury—

Yes

No

(i) (a) the loss of an eye or a limb ?

(b) the loss of more than one eye or a limb ?

(ii) more severe than the loss of an eye or a limb ?

(iii) equivalent to the loss of an eye or limb ?

(iv) very severe ?

(v) severe and likely to be permanent ?

(vi) severe but not likely to be permanent ?

(vii) slight but likely to be permanent ?

2. For what period from the date of injury—

(a) has the Government servant been unfit for duty ?

(b) is the Government servant likely to remain unfit for duty ?

Remarks—

Here the classification above may be amplified, if necessary, or details of additional injuries to the main injury may be given.

PART B

Second or Subsequent Examination

If the original degree of disability of the Government servant has changed in which of the above categories should now the injury be placed ?

Remarks—

In this space additional details may be given, if necessary.

INSTRUCTIONS TO BE OBSERVED BY THE MEDICAL BOARD PREPARING THE REPORT

1. The Medical Board before recording their opinion should invariably consult the proceedings of previous Medical Boards, if any, as also all previous medical documents connected with the Government servant brought before them for examination.

2. If the injuries be more than one, they should be numbered and described separately; and should it be considered that, some injuries, though only "severe" "or slight" in themselves, represent together the equivalent of a single "very severe" injury, such an opinion may be expressed in the column provided.

3. In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servants' unsupported statements and the medical and documentary evidence available.

4. The Board will not express any opinion, either to the Government servant examined, or in their report as to whether he is entitled to compensation, or as to the amount of it nor will it inform the Government servant how the injury has been classified.

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Remarks—

Here the classification should be assigned on the basis of the following instructions:—  
the main injury may be given

FORM O. P. R. 6-A

(See rule 132)

Commutation of Civil Pensions

PART I

Subject to the medical authority's recommending commutation and the conditions prescribed in Part II of this Form, the lum sum payable will be as stated below:—

	Amount of monthly pension to be commuted Rs.	Commuted value Rs.
Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on .....	On the basis of normal age, i. e., .....years.	
	On the basis of normal age, plus 1 year, i. e., .....years.	
	On the basis of normal age, plus 2 years, i. e., .....years.	
	On the basis of normal age, plus 3 years, i. e., .....years.	
	On the basis of normal age, plus 4 years, i. e., .....years.	
	On the basis of normal age, plus 5 years, i. e., .....years.	
Sum payable if the commutation becomes absolute after the applicant's next birthday but before his next birthday but one.	On the basis of normal age, i. e., .....years.	
	On the basis of normal age, plus 1 year, i. e., .....years.	
	On the basis of normal age, plus 2 years, i. e., .....years.	
	On the basis of normal age, plus 3 years, i. e., .....years.	
	On the basis of normal age, plus 4 years, i. e., .....years.	
	On the basis of normal age, plus 5 years, i. e., .....years.	

Station.....

Date.....

(Designation of Accounts Officer)

Memo. No. .... /F

Bhubaneswar, the.....197....

PART II

The commutation for lump payment of the pension of ..... is administratively sanctioned on the basis of the report of the Accounts Officer contained in Part I above. The table of present value on the basis of which the calculations in the Accounts Officer's report have been made, is subject to alternation at any time. In the event of such alternation being made at any time between the date of administrative sanction to commutation and date on which commutation is to become absolute, payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification. The sum payable will be the sum appropriate to the applicant's age on his birth day next after the date on which the commutation becomes absolute or if the medical authority directs that year shall be added to that age, to the consequent assumed age.

2. The..... (here enter the designation and address of the Chief Administrative Medical Officer) has been requested to arrange for the medical examination and inform Shri..... direct where and when he should appear for the examination. He should bring with him the enclosed Form O. P. R. 6-B with the particulars required in Part I completed except for the signature.

3. The attention of applicant is invited to the provisions of rules..... and ..... of the Orissa Pension Rules and extract of which is enclosed.

Assistant/Under-Secretary to Government, Finance Department

To .....  
.....

(Name and address of the applicant)

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## FORM O. P. R. 6-B

(See Rule 132)

## PART I

Statement to be filled in by the applicant for commutation of a portion of his pension under the provisions of the Orissa Pension Rules.

The applicant must complete this statement prior to his examination by the.....and  
(here enter the medical authority)  
must sign the declaration appended thereto in the presence of that authority.

1. State your name in full  
(In BLOCK Letters)
2. State place of birth
3. State your age and date of birth

4. Furnish the following particulars concerning your family :—

Father's age, if living and state of health	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages and cause of death
1	2	3	4

  

Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages and cause of death
5	6	7	8

5. Have any of your near relations suffered from tuberculosis (consumption, scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease ?
6. Have you ever been abroad ?  
Where and for what period and how long since ?
7. Have you ever served in the Navy, Army, Air Force or in any Government Department ?
8. Have you ever been examined—
  - (a) for Life Insurance, or/and
  - (b) by any Government medical officer or State Medical Board, civil or military ? If, so, state details and with what results.
9. Have you ever been granted leave on medical certificate ? If so, state period of leave and nature of illness ?
10. Have you ever—
  - (a) had small-pox, intermittent of any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, plourisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other disease of the ear, syphjs gonorrhoea or,
  - (b) had any other disease or injury which required confinement to bed or medical or surgical treatment, or,
  - (c) undergone any surgical operation, or
  - (d) suffered from any illness, wound or injury sustained while on active service during the World War II ?
11. Have you rupture ?
12. Have you varicocele, varicose veins or piles ?
13. Is your vision in each eye good ?
14. Is your hearing in each ear good ?
15. Have you any congenital or acquired malformation, defect or deformity ?
16. When were you last vaccinated ?
17. Is there any further matter concerning your health not covered by the above questions such as presence of albumen or sugar in the urine, marked increase or decrease in your weight in the last three years or being under treatment of any doctor within the last three months and the nature of illness for which such treatment was taken ?

---

#### DECLARATION BY APPLICANT

(To be signed in presence of the medical authority)

I declare all the above answers to be to the best of my belief, true and correct.

I will fully reveal to the medical authority all circumstances within my knowledge that concern my health and fitness.

I am fully aware that by wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under rule 9 of the Orissa Pension Rules.

Signed in presence of .....

Applicant's Signature .....

Signature and designation of Medical Authority.....

## PART II

(To be filled in by the examining medical authority)

1. Apparent age
2. Height
3. Weight
4. Girth of abdomen at level of umbilicus
5. Pulse rate—
  - (a) Sitting
  - (b) Standing
 What is character of pulse?
6. What is condition of arteries?
7. Blood pressure—
  - (a) Systolic
  - (b) Diastolic
8. Is there any evidence of disease of the main organs—
  - (a) Heart
  - (b) Lungs
  - (c) Liver
  - (d) Spleen
9. Does chemical examination of urine show—
  - (i) albumen, (ii) sugar, state specific gravity?
10. Has the applicant a rupture? If so, state the kind and if reducible.
11. Describe any scars or indentifying marks
12. Any additional information

## PART III

I/We have carefully examined Shri/Shrimati/Kumari and am/are of opinion that:—  
 He/She is in good bodily health and has the prospect of an average duration of life

OR

He/She is not in good bodily health and is not a fit subject for commutation

OR

Although he/she is suffering from \_\_\_\_\_ he/she is considered a fit subject for commutation but his/her age for the purpose of commutation, i. e., the age next birth day should be taken to be \_\_\_\_\_ years.

(in words)

more than his/her actual age

Station \_\_\_\_\_

Dated \_\_\_\_\_

(Signature and designation of  
Examining Medical Authority)

Reviewing Medical Authority

## FORM O. P. R. 7

(See rule 141)

List of Government servants employed in the Office/Department.....as on the 1st January, 19 /1st July, 19 who are due for superannuation between 1st January to the 30th June/1st July to the 31st December of the next official year.

(To be sent to the Accountant-General, Bhubaneswar/Secretary to Government ..... Department by the 31st January/31st July at the latest).

Serial No.	Name of Government servant	Date of birth	Appointment held in officiating capacity, scale of pay etc.	Appointment held in substantive capacity, scale of pay, etc.	Date of Superannuation
1	2	3	4	5	6

If on extension of service, the date of expiry of the present extension	The number and date of the letter in which attention of the officer has been invited to rules 126 and 127 of Orissa Pension Rules	Whether the officer has made a formal application for pension, if so, the date of receipt of such application
7	8	9

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FORM O. P. R. 8

(See rules 142 (1), 147 (1), 149)

Application for pension

From

.....  
.....

To

.....  
.....

Subject—Application for sanction of pension

Sir,

I beg to say that I am due to retire from service with effect from the....., my date of birth being..... I therefore request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement. I desire to draw my pension from..... Treasury.

2. I hereby declare that I have neither applied for, nor received, any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and gratuity are claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed hereon.

3. I enclose herewith—

(i) two specimen signature of mine, duly attested;

(ii) three copies of a passport size joint photograph with my wife/husband;

(iii) two slips each bearing my left hand thumb and finger impressions, duly attested;

(iv) two slips showing the particulars of my height and identification marks, duly attested.

\*\* 4. My present address is..... and my address after retirement will be.....

Place

(Signature)

Date the.....

Designation

@ Only two copies of passport size photograph of self need be furnished.

(i) if the Government servant is governed by rule 85 of the Orissa Pension Rules, and is unmarried or a widower or a widow;

(ii) if the Government servant is governed by rule 77 of the Orissa Pension Rules.

\* This is required only in the case of a person who is not literate enough to sign his name. If such a Government servant on account of physical disability is unable to give left hand thumb and finger impressions, he may give the thumb and finger impressions of the right hand. Where a Government servant has lost both the hands he may give his toe impressions. Impressions should be duly attested.

\*\* Any subsequent change of address should be notified to the Audit Officer/Head of Office.

## FORM O. P. R. 9

( See Rules 146, 150, 151, 152, 154 and 156 )

## Form for Assessing Pension and Gratuity

( to be sent in duplicate if payment is desired in a different audit circle )

## PART I

1. Name of Government servant ..
2. Father's name ( and also Husband's name in the case of a woman Government Servant ).
3. Religion and Nationality ..
4. Permanent residential address showing Village/Town District and State.
5. Present or last appointment, including name of establishment.
  - (i) Substantive ..
  - (ii) Officiating, if any ..
6. Class of Pension or Service Gratuity applied for and cause of application.
7. Pension Rules opted/eligible ..
8. Government under which service has been rendered ( in order of employment ).—
  - (a) Period of Civil Service ..
  - (b) Period of War/Military Service ..
  - (c) Amount and nature of any Pension / Gratuity received for Military Service.
  - (d) Amount and nature of any Pension / Gratuity received for Civil Service.
- 9 (a) Average emoluments ..
- (b) Emoluments for Gratuity ..
10. Pay as defined in rule 33 of Orissa Service Code ..
11. Proposed Pension ..
12. Proposed Gratuity ..
13. Whether the Family Pension Scheme, 1964, is applicable, if so amount of life time family pension becoming payable to the entitled members of the family of the Government servant, in the event of his / her death.
14. Date from which pension is to commence ..
15. Place of payment of—
  - (a) Pension ( Treasury / Sub-Treasury ) ..
  - (b) Gratuity ( Treasury / Sub-Treasury ) ..

NOTE—Non-Gazetted retiring Government servants can opt for receiving the entire amount of gratuity through the Head of Office.

16. Whether nomination made for—  
 (i) Family Pension under the Liberalised Pension Rules, 1951, if applicable.  
 (ii) Death-cum-retirement Gratuity

17. Whether Government servant has paid all the Government dues.

18. Date of birth by Christian era of—  
 (i) Government servant  
 (ii) Government servant's wife/husband

19. Height

20. Identification Marks

21. Thumb and finger impressions—

Thumb

Forefinger

Middle finger

Ring finger

Little finger

- (i) of Government servant  
 (ii) of Government servant's wife/husband

22. Date on which the Government servant applied for pension in Form O. P. R. 9.

Signature of Head of Office/Department

.....  
 ( Audit Officer ) @

\* Persons who are literate enough to sign their names in English or the Official Regional Language, are exempted from recording their left-hand thumb and finger impressions provided they furnish certified copies of passport size photographs.

@ In case of Gazetted Government servant only

PART II

SECTION I

Details of service of Shri/Shrimati/Kumari.....

Date of birth.....

Establishment	Appointment	Officiating/ Substantive	Date of beginning	Date of ending	Period reckoning as service Years, months Days	Period not reckoning as service years, months days	Remarks by the Audit Office
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total period of service.....							

NOTE—Date of commencement and date of ending of each period of military service, if any, should also be indicate in this section.

## SECTION II

*Emoluments drawn during the last \*ten months*

Post held	From	To	Pay	Personal/Special Pay
Average Emoluments:—				

\*In a case where the last ten months includes some period not to be reckoned for calculating average emoluments an equal period backwards has to be taken for calculating the average emoluments.

## SECTION III

*Period (s) of non-qualifying service*

	From	To
1. Interruption (s)	..	..
2. Extraordinary leave not qualifying for pension	..	..
3. Period of suspension not treated as qualifying	..	..
4. Any other service not treated as qualifying	..	..
		Total

## SECTION IV

Period of service not verified with reference to Acquittance Rolls. Whether the above period verified in accordance with the provisions of Rule 150 and if not whether the necessity of verification of the aforesaid period of service dispensed with under orders of appropriate authority.

## PART III

## SECTION I

## (a) Audit Enfacement

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation pension/gratuity, with reasons for disallowance, if any (other than disallowance indicated in second page).

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

2. Amount of superannuation/retiring/invalid/compensation pension/gratuity, that has been admitted.
3. Amount of superannuation/retiring/invalid/compensation pension/gratuity, admissible after taking into account reduction, if any in pension and gratuity made by the authority sanctioning Pension.
4. Total period of qualifying service which has been approved for the grant of special additional pension.
5. The amount of special additional pension, if any, admitted under the rules.
6. The date from which the special additional pension is admissible.
7. The date from which the superannuation/retiring/invalid/compensation pension/gratuity is admissible.
8. Head of Account to which the superannuation/retiring/invalid/compensation and special additional pension/gratuity is chargeable.
9. The amount of life-time family pension becoming payable to the entitled members of family in the event of death of the Government servant after retirement.

Accounts Officer

Assistant Accountant-General

## SECTION II

1. Date of submission of Pension Application by the Government servant.
2. Name of the Government servant ..
3. Class of pension or gratuity ..
4. Sanctioning authority ..
5. Amount of pension sanctioned ..
6. Amount of gratuity sanctioned ..
7. Date of commencement of pension ..
8. Date of sanction ..
9. Amount of Family Pension admissible in the event of death of pensioner.
10. Amount to be recovered from gratuity under Para. 7 of the Family Pension Scheme, 1964.
11. Government dues held over from the gratuity ..

## PART IV

## INSTRUCTIONS

1. *Calculation of average emoluments*—The calculation of average emolument, mentioned at item 9 of Part I should be based on the actual number of days contained in each month.
2. *Compensation pension or gratuity*—(a) If the application is for a compensation pension or gratuity the particulars of the savings effected should be duly stated against item 6 of the Part I.  
(b) State why employment was not found elsewhere
3. *History of service*—(a) Give date, month and year of various appointments, promotions and cessations. For the purpose of addition towards broken periods, a month is reckoned as thirty days.  
(b) All periods not reckoned as service should be distinguished and reasons for their exclusions given in the remarks column.
4. *Identification marks*—Specify a few conspicuous marks, not less than two, if possible.
5. *Name*—When initials or name of Government servants are incorrectly given in the various records consulted, mention this fact in the letter forwarding the pension papers to avoid unnecessary reference from the Audit Officer
6. *Date of retirement*—Shown in the Service Book and the Last Pay Certificate.
7. *Reinstatement*—In the case of an officer who has been reinstated after having been suspended, compulsorily retired, removed or dismissed, brief statement leading to his reinstatement should be appended.
8. *Alterations*—Make in red ink under-dated initials of a Gazetted Government Servant.

FORM O. P. R. 9-A

[ See rules 147 (3) 152, 156 ]

Form for sanctioning Pension

( To be sent in duplicate if payment is desired in a different Audit Circle)

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

3. (a) Present or last appointment, including name of establishment.

(b) Remarks by the Receiving Authority ..

(1) As to character and past conduct of Government servant. of Good/Fair Indifferent/Bad

(2) As to service ..

Thoroughly satisfactory/Not thoroughly satisfactory.

(3) Explanation of any suspension or degradation.

(4) Any other remarks ..

(5) Specific opinion of the Receiving Authority whether the service claimed is established and should be admitted or not.

4. Orders of the Pension Sanctioning Authority— ..

Signature and Designation of the Receiving Authority with date

4. Orders of the Pension Sanctioning Authority

(a) The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari..... has been thoroughly satisfactory hereby orders the grant of the full pension/service gratuity and/or death-cum-retirement gratuity which may be accepted by the Audit Officer as admissible under the rules.

or

The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari..... has not been thoroughly satisfactory hereby orders that the full pension/service gratuity and/or death-cum-retirement gratuity which may be accepted by the Audit Officer as admissible under the rules shall be reduced by the specified amount or percentage indicated below:—

- (i) Amount or percentage of reduction in gratuity....
- (ii) Amount or percentage of reduction in pension.....

(b) The grant of pension/service gratuity and/or death-cum-retirement gratuity shall take effect from.....

(c) In the event of death of Shri/Shrimati..... family pension will be payable to the eligible member of the family as admissible under the rules.

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(d) Where the Family Pension Scheme, 1964 is applicable, in terms of Para. 7 of the aforesaid Scheme he/she is required to contribute a portion of gratuity equal to two months' emolument, or pay, as the case may be. Necessary recovery out of the gratuity payable to Shri/Shrimati.....may be made.

(e) A sum of.....on account of.....is to be held over from the gratuity till the outstanding Government dues are assessed and adjusted.

(f) The following service of the Government servant has been approved for the grant of special additional pension admissible under the Rules—

Post/Posts held.....

Period of service.....

(g) The pension, and gratuity are payable at.....Treasury/Sub-Treasury and are chargeable to the Head.....

(h) The order is subject to the condition that if the amount of pension/service gratuity and/or death-cum-retirement gratuity as authorised be afterwards found to be in excess of amounts to which the pensioner is entitled under the rules he/she shall be called upon to refund such excess.  
Date.....

Signature and designation of the Pension Sanctioning Authority

\* No amount of the gratuity need be held over if the Government servant has made a cash deposit or furnished a surety of permanent Government servant in terms of Rule 158.

5. (To be used in the case of Government servants to whom Rule 157 of Chapter XIII applies)

Details of provisional pension and gratuity to be drawn by the Head of Office in accordance with the procedure laid down in Rule 154.

Provisional Pension	Rs.....	Per month
Gratuity ( $\frac{3}{4}$ th of the full gratuity mentioned against item 13 of Form O. P. R. 10).	Rs.....	
Less—		
(i) Contribution towards Family Pension Scheme, 1964 [see item 3 (d) of the Form].	Rs.....	
(ii) Amount held over for adjustment Government dues [see item (e) of the Form].	Rs.....	
Net amount of gratuity to be paid provisionally	Rs .....	

Signature of Head of Office

## FORM O. P. R. 9-B

(See rule 152)

Form of letter to the Audit Officer forwarding the pension papers of a Government Servant

No.....

Government of Orissa  
Head of the Department/  
Office.

Date

To

The Accountant-General/Pay and Accounts Officer

.....

.....

Sir,

I am directed  
have the honour to forward herewith the pension papers of Shri/Shrimati/ Kumari of this office/  
Department as per list for further necessary action.

Yours faithfully

Head of Office

## LIST OF ENCLOSURES

1. Form O.P.R. <sup>9</sup>10 with details of service, etc., and form O.P.R. <sup>9A</sup>10-A containing the orders of the pension sanctioning authority.
2. Medical certificate for invalidation (if the claim is for invalid pension).
3. Service Book
4. Memorandum of average emoluments reckoning for pension
5. Last pay Certificate
6. (a) Two specimen signatures, 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 joint pass-port size photographs with wife/ husband duly attested by the Head of Office.
7. Formal application for pension in Form O. P. R. <sup>9</sup>9 - 8
8. Explanation for delay, if any, beyond one month from the date of the Government servant in forwarding Forms O. P. R. 10 & O. P. R. <sup>9A</sup>10-A
9. When the fact of service in other offices not satisfactorily attested in the Service Book, duly certified abstract from the head of office.
10. Statement of the applicant and collateral evidence as required under rule 150 duly acc by the authority competent to sanction the pension.

FORM O.P.R. 9-C.

(See rule 158)

Form of Surety Bond

In consideration of the Governor of Orissa (herein after called the "Government" which expression shall include his successors and assigns) having agreed, to settle the final account of Shri/Shrimati .....without production of a "No Demand Certificate" from the...../ 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 by Government and also for any residence that may be allotted or that was allotted to the said.....from time to time by Government. I, the surety, futher agree and undertake to indemnify the Government against all loss and damage until delivery of vacant possession of the abovesaid residence is made over to Government.

I hereby also stand surety for any amount that may be due by the said.....to Government by way of over payment of pay, allowances, leave salary, advances for conveyance, house-building or other purposes, or any other dues.

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

This guarantee shall remain in force till—

(i) the "No Demand Certificate" is issued by the Pension sanctioning Authority 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 allowance on Gazetted Government servants bill forms the concerned Audit Officer has/have certified that nothing is now due to the Government from the said.....

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

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.

This bond is hereby accepted

Signature of the Head of the Department or Office in which the surety is employed

(Signature and designation)

[See rules 159 (3) and 160 (2) ]

Form of Letter to the Member or Members of the Family of a Deceased Government Servant  
where valid nomination for the Grant of the Death-cum-Retirement Gratuity Exists

No.

Government of Orissa

Office/Department of .....

Dated the

To

.....

.....

.....

SUBJECT—Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati.....  
Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati .....  
.....(Designation) in the Office/Department of....., a death-cum-  
retirement gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed  
herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the  
enclosed Form O. P. R. 13.

3. Should any contingency have happened since the date of making the nomination, so as to  
render the nomination invalid, in whole or in part, precise details of the contingency may kindly be  
stated.

Yours faithfully

Head of Office/Audit Officer

## FORM O. P. R. 11

[See rules 159 (3) and 160 (2) ]

Form of Letter to the Member or Members of the Family of a deceased Government Servant where valid nomination for the Grant of the death-cum-retirement gratuity does not exist

No.

Government of Orissa

Office/Department of.....

Dated the

To

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

SUBJECT—Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati.....  
 Sir/Madam,

I am directed to say that in terms of rule 74 of the Orissa Pension Rules a death-cum-retirement gratuity is payable to the following members of the family of late Shri/Shrimati.....  
 .....(Designation)....., in the Office/Department of.....  
 in equal shares—

(i) Wife/Husband

(ii) Sons

(iii) Unmarried Daughters

} Including step children and adopted children.

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares:—

(i) Widowed daughters including step daughters and adopted daughters.

(ii) Father

(iii) Mother

} including adoptive parents in case of individuals whose personal law permits adoption.

(iv) Brother below the age of eighteen years and unmarried widowed sisters including step brothers and step sisters.

(v) Married daughters, and

(vi) Children of pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form O. P. R. 13 as soon as possible.

Yours faithfully

Head of Office/Audit Officer

FORM O. P. R. 12

[ See rules 159 (3) and 160 (2) ]

Form of Application for the Grant of the Death-cum-Retirement Gratuity on the death of a Government Servant

(To be filled in separately by each applicant

1. Name of the applicant ..
2. (i) Name of the guardian in case the applicant is.. minor.  
(ii) Date of birth of guardian ..
3. Name of the deceased Government servant ..
4. Date of death of the Government servant ..
5. Office/Department in which the deceased served last..
6. Relationship with the deceased Government servant ..
7. Date of birth of the applicant ..
8. Name of the Treasury or Sub-Treasury at which.. payment is desired.
9. Full address of the applicant ..
10. Signature or thumb impression of the applicant.. (To be furnished in a separate sheet duly \*attested).
11. \*Attested by—
 

Name	Full address	Signature
(i)		
(ii)		
12. Witnesses—
  - (i)
  - (ii)

To

Subject—

Sir/Madam

contributor  
.....  
of .....

2. You  
submitted i

3. The  
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shall be gra

\*Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or pargana in which the applicant resides.

FORM O. P. R. 13

[ See rules 159 (4) and 160 (3)

Form of Letter to the Widow/Widower of a Deceased Government Servant for grant of Contributory Family Pension

No.

Government of Orissa

Office/Department of.....

Dated the

To

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

Subject—Payment of contributory family pension in respect of late Shri/Shrimati.....

Sir/Madam,

I am directed to say that in terms of rule 77 of the Orissa Pension Rules a contributory family pension is payable to you as Widow/Widower of the late Shri/Shrimati ..... (Designation)..... in the Office/Department of .....

2. You are advised that a claim for the grant of contributory family pension may be submitted in the enclosed Form O. P. R. 15.

3. The contributory family pension will payable till your death or re-marriage whichever event occurs earlier. In the event of your death or re-marriage, the contributory family pension shall be granted to the child or children, if any through the guardian.

Yours faithfully

Head of Office/Audit Officer

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## FORM O. P. R. 14

[ See Rules 159(4), 160(3) and 161(2) ]

## Form of application for the grant of Contributory Family Pension on the death of a Government Servant/Pensioner

## 1. Name of the applicant

- (i) Widow/Widower  
 (ii) Guardian, if the deceased person is survived by child or children

## 2. Name and age of surviving widow/widower and children of the deceased Government servant/pensioner.

Sl. No.	Name	Relationship with the deceased person	Date of birth by Christian era
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

## 3. Date of death of the Government servant/pensioner ..

## 4. Office/Department in which the deceased Government servant/pensioner served last.

## 5. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner.

## 6. Full address of the applicant ..

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

## 8. Enclosures— ..

- (i) Two specimen signatures of the applicant, duly attested (to be furnished into separate sheets).  
 (ii) Two copies of pass-port size photograph of the applicant, duly attested.  
 (iii) Two slips each bearing left hand thumb and finger impressions \* of the applicant, duly attested.

\* To be furnished in case the applicant is not literate enough to sign his name.

(iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (To be furnished in duplicate).

(v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Local Panchayat or from the head of a recognised school if the child is studying in such school. (This information should be furnished in respect of such child or children the particulars of whose date of birth are not available with the Audit Officer/head of Office).

9. Signature or left hand thumb impression\* of the applicant.

10. Attested by— ..

Name

Full address

Signature

(i)

(ii)

11. Witnesses—

(i)

(ii)

NOTE—Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or pargana in which the applicant resides.

\* To be furnished in case the applicant is not literate enough to sign his name.

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[See rules 159 (5) and 160 (4)]

Form of letter to the member of the family of a deceased Government Servant where valid nomination for the grant of Non-Contributory Family Pension exists

No.

Government of Orissa

Office/Department of.....

Dated the

To

The.....

.....

.....

SUBJECT—Payment of Non-Contributory Family Pension in respect of the late Shri/Shrimati.....

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati..... in the Office/Department of..... Designation..... a Non-Contributory Family Pension is payable to you as his/her nominee.

2. I am accordingly to suggest that a claim for the grant of Non-Contributory Family Pension may be submitted by you in enclosed Form O. P. R. 18.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, precise details of the contingency may kindly be stated.

Yours faithfully,

Head of Office/Audit Officer



[ See rules 159 (5), 160 (4) and 161 (3) ]

**Form of application for the grant of Non-Contributory Family Pension on the death of a Government Servant/Pensioner**

1. Name of the applicant ..
2. (i) Name of the guardian in case the applicant is a minor ..  
(ii) Relationship of the guardian with the applicant ..
3. Name of the deceased Government servant/pensioner ..
4. Relationship of the applicant with the deceased Government servant/pensioner.
5. Date of death of the Government servant/pensioner ..
6. Office/Department in which the deceased served last ..
7. (i) Date of birth of the applicant ..  
(ii) Date of birth of the guardian in case the applicant is a minor.
8. Full address of the applicant/guardian ..
9. Name of the Treasury or Sub-treasury at which payment is desired.
10. Enclosures—
  - (i) Two specimen signatures of the applicant, duly attested (to be furnished on two separate sheets).
  - (ii) Two copies of a passport size photograph of the applicant, duly attested.
  - ‡(iii) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested.
  - (iv) Descriptive Roll of the applicant, duly attested indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (to be furnished in duplicate).
  - (v) If the applicant belongs to a category mentioned at (b) of item 11, he/she should produce reasonable proof of his/her dependence on the deceased Government servant/pensioner for support.
  - (vi) If the applicant is a minor brother of the deceased Government servant/pensioner, certificate of age (in original with two attested copies) showing the date of birth should be furnished. (The original will be returned to the applicant after necessary verification).
  - (vii) Affidavit (Please see paragraph 2 of Form O. P. R. 17).

es and ages af surviving kindred of the deceased  
ernment servant/pensioner—

Name Date of birth by  
Christian era

(a) Widow/husband/sons

Unmarried daughters/Widowed  
daughters.

(b) Father

Mother

Brothers below the age of  
eighteen years.

Unmarried sisters/Widowed  
sisters.

ature or thumb impression\* of the applican t

sted by

Name Full address Signature

(i)

(ii)

Witnesses

(i)

(ii)

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

2—If the applicant is a minor, the enclosures against item 10 (i) to (iv) are to be furni-  
shed by the guardian.

\*To be furnished in case the applicant is not literate enough to sign his name.

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[ See rules 159 (6) and (7) and 160 (6) and (7) ]

**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 in a different circle of audit )

PART I

1. Name of the deceased Government servant ..
2. Father's name ( and also husband's name in the case of female Government servant ).
3. Date of birth ( by Christian era ) ..
4. Date of death ( by Christian era ) ..
5. Religion and nationality
6. Office/Department in which last employed ..
7. Appointment held last—
  - (i) Substantive ..
  - (ii) Officiating ..
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. Emoluments reckoning for gratuity ..
16. Proposed death-cum-retirement gratuity ..
17. Whether nomination made for—
  - (i) Death-cum-retirement gratuity ..
  - (ii) Non-contributory family pension, if applicable ..
18. If non-contributory family pension applies and the Government servant had rendered more than ten years qualifying service:—
  - (i) " Average emoluments " for pension, if the Government servant had retired on the date following the date of his death.
  - (ii) Proposed pension
  - (iii) Proposed non-contributory family pension ..
  - (iv) Period of tenability of non-contributory family pension ..

9. If contributory family pension applies: —

- (i) Proposed contributory family pension ..
- (ii) Period of tenability of contributory family pension .. From.....To.....

10. Persons to whom family pension ( contributory or non-contributory ) is payable :

- Name ..
- Relationship with the deceased Government servant ..
- Full postal address ..

11. Persons to whom death-cum-retirement gratuity is payable :—

Name	Amount of the share of death-cum-retirement gratuity	Relationship with the deceased	Full postal address
(1)	(2)	(3)	(4)

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

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- Name of the guardian who will receive payment of family pension and death-cum-retirement gratuity in the case of minor (s).
- Government dues, if any, outstanding against the deceased Government servant.
- Head of account to which family pension and death-cum-retirement gratuity are debitable.
- Name of the Treasury or Sub-Treasury where the payment of family pension and death-cum-retirement gratuity is desired.

.....  
ed the.....

Signature of the Head of Office/Andit Officer

PART II

SECTION I

Details of service (showing interruption) of the late Shri/Shrimati/Kumari.....

Establishment	Appointment	Officiating/ substantive	Date of beginning of service	Date of ending of service	Period reckoning as service	Period not reckoning as service	Remarks by the Audit Officer
1	2	3	4	5	6	7	8
					Y. M. D.	Y. M. D.	

Total period of service -----

NOTE 1—If the deceased Government servant had rendered any Military Service which qualified for civil pension, date of commencement and date of ending of each period of such service should also be indicated.

NOTE 2—The Audit Officer should record briefly in column 8 his reasons for disallowing any service claimed. Any other disallowance should be recorded with reasons therefor in the Audit enforcement in Section I of Part IV of this Form.

SECTION II

(To be filled in, if non-contributory family pension is admissible).

\* Emoluments drawn during the last three years

Post held	From	To	Pay	Personal/Special Pay
-----------	------	----	-----	----------------------

Average emoluments

\* In a case where the last three years include some period not to be reckoned for calculating average emolument an equal period backwards has to be taken for calculating the average emoluments.

SECTION III

Details of non-qualifying service—

1. Interruption (s)	..
2. Extraordinary leave not qualifying for pension	..
3. Period of suspension not treated as qualifying	..
4. Any other service not treated as qualifying	..
Total	..

SECTION IV

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 (4) of rule 150 of the Orisea Pension Rules.

PART III

Remarks of the Head of Office—

- 1) As to the character, conduct and past service of the deceased Government servant. Good/fair/indifferent/bad
- 2) Explanation of any suspension or degradation
- 3) Any other remarks
- 4) Special opinion of the Head of Office whether the service claimed is established and should be admitted or not.

Orders of the pension sanctioning authority

The undersigned having satisfied himself that the service of the late Shri/Shrimati/ Kumari ..... was thoroughly satisfactory hereby orders the grant of the full death-cum-retirement gratuity and non-contributory family pension (if applicable) which may be accepted by the Audit Officer as admissible under the Orissa Pension Rules to the person(s) mentioned in Part I of this Form.

OR

The undersigned having satisfied himself that the service of the late Shi/Shrimati/Kumari..... was not thoroughly satisfactory hereby orders that the amount of gratuity and non-contributory family pension, if applicable, as may be accepted by the Audit Officer under the Orissa Pension Rules shall be reduced by the amount specified below before any authority for payment is granted to the person(s) mentioned in Part I of this Form.

- 1) Amount of reduction in the gratuity
- 2) Amount of reduction in non-contributory family pension, if applicable
- 3) The grant of gratuity or of family pension or of both shall take effect from.....

Signature and designation of the pension sanctioning authority

PART IV  
SECTION I

Audit enforcement

Total period of qualifying service which has been accepted for:—

- Death-cum-retirement gratuity ..
- Family Pension (contributory or non-contributory) ..

RE—Service for the period commencing from..... and up to the date of death has not yet been verified; this should be done before pension payment order is issued.

Reduction ordered by pension sanctioning authority ..

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

Amount of contributory family pension—

- 1) If death took place before seven years of service ..
- 2) If death took place after seven years of service, the period of tenability of the enhanced pension.

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

Date from which family pension is admissible ..

Head of Account to which death-cum-retirement gratuity and family pension are chargeable.

## SECTION II

1. Name of the deceased Government servant ..
2. Date of death of the Government servant ..
3. Date of submission of claim by the family of the deceased Government servant.
4. Sanctioning authority ..
5. Amount of family pension sanctioned ..
6. Amount of gratuity sanctioned ..
7. Date of sanction ..
8. Amount recoverable from gratuity ..
9. 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 18 of Part I of this Form should be based on the actual number of days contained in each month.
2. Details of Service .. (a) Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods, a month is reckoned as thirty days.  
(b) 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 or the 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 ink under dated initials of a gazetted Government servant.

[ See rule 160 (6) ]

Form of letter to the Audit Officer forwarding papers for the Grant of Family Pension and Death-cum-retirement gratuity to the family of a Government servant who dies while in service

No.  
Government of Orissa  
Office/Department of.....

Dated the

The Accountant-General/Pay and Accounts Officer,

SUBJECT—Grant of family pension and death--cum-retirement gratuity

I am directed to say that Shri..... died on  
..... (Designation)

..... His family has become eligible for the grant of family pension and death-cum-retirement gratuity. Form 19 duly completed and containing the orders of the 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.

Yours faithfully

Head of Office

LIST OF ENCLOSURES

- 1. Specimen signatures or left hand thumb and finger impressions of the beneficiary, duly attested.
- 2. Two attested copies of a passport size photograph of the beneficiary.
- 3. Descriptive Roll of the beneficiary duly attested.

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[ See rule 161 (2) ]

**Form of letter sanctioning Contributory Family Pension to the child or children of a Retired Government Servant who dies after retirement but does not leave behind a widow/widower**

No.....

Government of Orissa

Office/Department of.....

Dated the.....

To

The Accountant-General/Pay and Accounts Officer,

.....

.....

**SUBJECT—**Grant of family pension to the child/children

SIR,

I am directed to say that Shri/Shrimati..... formerly..... in this Department/Office was sanctioned pension of Rs..... (Designation) with effect from..... on his retirement from service.

2. Intimation has been received in this Department/Office that Shri/Shrimati..... died on..... and that at the time of death left no widow/widower but was survived by the following children :—

Sl. No.	Name	Son Daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				

3. In terms of rule 85 of the Orissa Pension Rules the amount of contributory family pension has become payable to the Children in the order mentioned above. The contributory family pension will be payable on behalf of the minors to Shri/Shrimati..... who is the guardian.

for the grant of contributory family pension to the children mentioned above is hereby contributory famil pension will take effect from.....and subject to the le 90 of the Orissa Pension Rules will be tenable till.....

Contributory family pension is debitable to the Head.....

is invited to the information furnished in the enclosed list.

Receipt of this letter may kindly be acknowledged and this Department/Office informed instructions for the payment of contributory family pension to the guardian have been Treasury Officer concerned.

Yours faithfully

(Head of Office)

Names of children should be mentioned in the order of eligibility mentioned in rule 85 of the Rules, Children born as a result of marriage which took place before the retirement of the retiring servant or children adopted legally before retirement should only be included.

LIST

- Permanent address of the guardian ..
- Place of payment (Government Treasury or Sub-Treasury)

ENCLOSURES

Specimen signatures or left hand thumb and finger impressions of the guardian, duly attested.

Two attested copies of a passport size photograph of the guardian.

Descriptive Roll of the guardian, duly attested --

Signature to be furnished in the case of the guardian who is not literate enough to sign his/her name,

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[See rule 161 (2) ]

**Form of letter sanctioning Family Pension to the child or children on the death or re-marriage of a widow/widower who was in receipt of Contributory Family Pension**

No.

Government of Orissa

Department/Office of.....

Dated the.....

To

The Accountant-General/Pay and Accounts Officer,

.....  
 .....

**SUBJECT:—Grant of family pension to the child/children**

Sir,

I am directed to say that Shrimati/Shri.....widow/widower of late Shri/Shrimati.....formerly .....(Designation) in this Department/Office, was sanctioned contributory family pension of Rs.....with effect from the..... The contributory family pension was tanable till the death or re-marriage or the widow/widower.

2. Intimation has been received in this Department/Office that Shri/Shrimati..... died/re-marrid on.....

3. At the time of death/re-marriage, Shri/Shrimati.....had following children\* :—

Sl. No.	Name	Son/Daughter	Date of birth in Christian era	Date from which the family pension ceases to be payable
1				
2				
3				
4				
5				
6				

4. In terms of rule 85 of the O. P. Rules the amount of contributory family pension has become payable to the children in the order mentioned above. The contributory family pension will be payable on behalf of the minors to Shri/Shrimati.....who is the guardian.

5. Sanction for the grant of contributory family pension of Rs.....per month to the children mentioned above is hereby accorded. The contributory family pension will take effect from..... and subject to the provisions of rule 90 of the Orissa Pension Rules will be tenable.....

6. The contributory family pension is debitable to the Head.....

7. Attention is invited to the information furnished in the enclosed list.

8. The receipt of this letter may kindly be acknowledged and this Department/Office informed necessary instructions for the payment of contributory family pension to the guardian have been sent to the Treasury Officer concerned.

Yours faithfully,

(Head of Office)

\*The names of children should be mentioned in the order of eligibility mentioned in rule 85. Children born as a result of marriage which took place before the retirement of the Government servant or children adopted legally before retirement should only be included.

LIST

- 1. Permanent address of the guardian.
- 2. Place of payment (Government Treasury or Sub-Treasury).

ENCLOSURES

- 3. Specimen signatures or \*left hand thumb and finger impressions of the guardian, duly attested.
- 4. Two attested copies of a passport size photograph of the guardian.
- 5. Descriptive Roll of the guardian, duly attested.

\*To be furnished in the case of the guardian who is not literate enough to sign his/her name.

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**Form of claim application for the grant of residuary\* gratuity on the death of a Pensioner.**

(To be filled in separately by each applicant)

1. Name of the applicant
2. (i) Name of the guardian in case the applicant is a minor  
(ii) Date of birth of guardian
3. Name of the deceased pensioner
4. Office/Department in which the deceased pensioner served last
5. Date of death of the pensioner
6. Date of retirement of the deceased Pensioner
7. Amount of monthly pension @ (including *ad hoc* 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 *ad hoc* 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
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. Witness			
(i)			
(ii)			

\* If a retired Government servant 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 *ad hoc* 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.

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

[See rule 169 (ii) (c)]

Form of Indemnity Bond

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

the

Signed this ..... day of ..... one thousand nine hundred and .....

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

read

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 ..... ) only
for and towards share of his minor son/daughter in the death-cum-retirement gratuity.

AND WHEREAS the obliger claims to be entitled to the said sum as defacto 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 obliger has satisfied the (c) that he/she entitled to the aforesaid sum and that
he should cause undue delay and hardship if the obliger be required to produce the certificate of
guardianship from the competent court of law before payment to him of the said sum of Rs. ....

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

van

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

NOW THE CONDITION OF THIS BOND IS such that if after payment has been made to the
obliger, the obliger 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 Govern-
ment harmless and indemnified against and from all liabilities in respect of the aforesaid sum and
all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall
be void and of no effect but otherwise it shall remain in full force, effect and virtue.

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

IN WITNESS WHERE OF the obliger and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written. Signed by the above named 'Obliger' in the presence of

1. \_\_\_\_\_

2. \_\_\_\_\_

Signed by the above named 'Surety/Sureties'

1. \_\_\_\_\_

2. \_\_\_\_\_

Accepted for and on behalf of the Governor of Orissa by

\_\_\_\_\_  
(Name and designation of the officer directed or authorised, in pursuance of Article 299 (1) of the Constitution, to

\_\_\_\_\_  
Accept the bond for and on behalf of the Governor of Orissa in the presence of

\_\_\_\_\_  
(Name and designation of witness)

NOTE I—(a) Full name of the claimant referred to as the 'obliger'

(b) State relationship of the obliger 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 office responsible for payment

NOTE II—The obliger as well as the sureties should have attained majority so that the bond may have legal effect or force.

[Notification No. 23346-F.]

ERRATA

Page	Rule	Line	For	Read
(2)	(3)	(4)	(5)	(6)
1	2 (4)	first	any	an
5	9 (2)	seventh	were	where
5	9 (3)	first	pension	pensioner
5	10 (b) (i)	first	de	be
6	Note under rule 10	fifth	consultatiod	consultation
6	11 (I)	eighth	wns	was
6	11 (3)	fourth	specified	specified
6	Note under rule 11	second	sancrioned	sanctioned
6	15	last	ame	same
7	17 (2)	first	establishment post	establishment/post
7	22 (i)	first	serviag	serving
7	22 (i)	fifth	servie	service
7	22 (i)	fifth	no	not
7	22 (i)	sixth	nnless	unless
7	22 (ii)	first	war	was
8	Explanation under rule 22 (iii)	first	merger at	merged in
8	23 (1)	first	it rendered	it is rendered
8	Exception under rule 23	third	nan-pensionable	non-pensionable
8	24	first	drwaws	draws
8	27	second	permanent, blishment	permanent establish- ment.
8	27 (2)	first	subetanlive	substantive
9	29 (c)	first	or	of
10	34	fourth	Militaria	Militia
10	Explanation 2	third	earned	earn
11	35 (d)	two	employe	employee
11	36 (1)	first	appinted	appointed
11	36 (b)	fifth	upto	opt to
11	40	first	recalled duty	recalled to duty
12	Note under rule 42	first	" The....	The .....
18	65	second	1969 and 1970	69 and 70
18	67 (2)	seventh	further that that	further that
18	68 (1)	fourth	Government,	Government.
21 & 22	70 (Column 2)	..	10 80ths of average pay	10/80 ths of average pay
(necessary correction for the entire column may be made likewise)				
23	73	second	Meaning	meaning

the  
 "s" read  
 van

Chapter (1)	Page (2)	Rule (3)	Line (4)	For (5)	Read (6)
VII	24	74 (4) (viii)	first	brothors	brothers
	25	75 (3)	second	minimmm	minimum
	25	75 (4)	first	servent	servant
VIII	26	Explanation below rule 78	fifth	serviee	service
	28	85 (b)	first	come	came
	28	87 (1)	second	Workmens'	workmen's
	28	87 (1)	fourth	sub-rule	rule
	28	87 (1) (b)	second	which	whichever
	28	87 (2)	third	Sub-rule	rule
	29	88 (1)	..	(ii) Widow's Pension	(i) Widow's pension
X	33	Note below rule 108 (4).	fifth	loss	use
	33	Note below rule 108 (4).	sixth	Artifical	Artificial
	34	Note below rule 108 (4).	seventh	move	movement
	34	Note below rule 108 (4).	eighth	cervica	cervical
	34	109 (2)	first	shall made	shall be made
	35	112	third	any	an
	35	112	fifth	limb are	limb or are
	36	113 (4) (i)	first	invalid	invalided
	36	113 (4) (ii)	first	fivs	five
	36	114 (ii)	fifth	rest	rates
	37	114 (2) (A) (i) (b)	first	lo	to
	39	116	fifth	Rate	rate
	39	116	ninth	stage	age
XI	41	124	first	which	who
	42	125 (b)	third	of	or
	42	126—Note 1	Second	alter	after
XII	43	130	first	delay transmit	delay and transmit,
	44	132(2)	first	forwarded	forward
	44	134(3)	first	Tha	The
	44	134(4)	first	cass	case
	44	134(6) (a)	first	internal	interval

Chapter (1)	Page (2)	Rule (3)	Line (4)	For (5)	Read (6)	
XIII	47	141(2)	last line	pension	pensioner	
	48	147(3) (b)	first	order	orders	
	49	147(4)	first	or	of	
	49	147(5)	first	officia	official	
	49	147(8)	second	reported the	reported to the	
	49	148(3)	first	af	of	
	50	149(2) (a)	last	ater	later	
	50	150(2) (b)	first	un verified	unverified	
	52	156(7)	third	the	that	
		156(7)	third	prepar	prepare	
		156(7)	fourth	paymen	payment	
		156(7)	sixth	or	of	
	53	Explanation under rule 157.	third	arears	arrears	
	53	158(1) (a)	second	reasons	reason	
XIV	53	158(2) (c)	second	servent	servant	
	54	159(2)	second	gratuiiy	gratuity	
	54	159(2)	third	the	the	
	54	159 (5) (a)	second	pensihn	pension	
	54	150(5) (a)	second	ascertain.	ascertain-	
	54	159(6) (a)	first	withsanding	withstanding	
	55	160(2) (ii)	first	Government had	Government ser van had.	
	55	160(2) (ii)	second	subsit	subsist	
	56	160 (6) (b)	first	Head Office	Head of Office	
	56	160 (6) (b)	third	up-to-date	up-to-date	
	XV	57	161 (3) (a)	first	Governed	governed
		57	161 (3) (a)	second	non-contributo r y the family pension.	non-contri b u to r family pension.
XVI	58	165	second	non-India	non-Indian	
	58	165	tenth	their	their	
	58	167	first	Accountants	Accountant	
	58	167	fourth	granted, the	granted to the	
	58	168 (2)	fifth	iliterate	illiterate	
	59	169 (d)	fifth	survivins	surviving	
	59	169 (d)	sixth	persog	person	

Chapter	Page	Rule	Line	For	Read
(1)	(2)	(3)	(4)	(5)	(6)
	59	170 (c)	first	dies the	dies, the
	60	172 (2)	second	Procedure. 1973	Procedure 1973
	60	Note 1 below rule 173 (2).	second	cousulf	consult
	60	173 (3)	second	sub-rule,	sub-rule.
	60	173 (c)	second	certificaie	certificate
II	63	188 (c)	third	ot	of

No. 65

In 2nd line of column No. 3, against Serical No. 9—

For the word "Collectoral" read "collateral"

No. 66

In the Sub-heading of Appendix 2—

For the words "AGRICULTURF DEPARTMENT"

read "AGRICULTURE DEPARTMENT"

Page No. 67

In 4th line of 5th column heading—

For the word "nomtnee" read "nominee"

In last line—

For the word "duty" read "duly"

Page No. 68

In 1st line of NOTE 1

For the words "amount share" read "amount/share"

Page No. 70

In the column head after column head No. "2" insert column head No. "3"

In the 1st line, after the separating rule below the showing table—

For the word "provent" read "prevent"

Page No. 71

In the italic heading "*Pro fama to.....officer*" for the words "Head office" read "Head of office"

Page No. 73

In clause 6 for the words "Date beginning" read "Date of beginning"

Page No. 75

In 2nd line of 1st Para. for the words "examiling" read "examining".

In 1st line of clause (d) for the word "Goverdment" read "Government".

In 1st line of the 1st Para. below the heading "*First Examination*" for the word "classification" read "classification"

## Page No. 76

In 1st line of clause 3 for the word "from" read "form"

In 3rd line of clause 3 for the word "evidense" read "evidence"

## Page No. 77

In the Sub-heading of Form O. P. R. 6 for the word "APPLICATIONS" read "APPLICATION".

In 1st line of single asterik marked footnote for the word "rupee" read "rupees".

In 1st line of triple asterik marked footnote for the word "Intention" read "intention";

In 3rd line for the word "suah" read "such" and in the 6th line for the word "cases" read "case" and for the word "snm" read "sum".

## Page No. 83

In clause No. 1 for the word "yeur" read "your".

In 1st line of column heading of column No. 7 for the word "Numper" read "Number".

## Page No. 84

In 3rd line of Sub-clause (a) of clause 10 for the word "syphis" read "syphilis"

In 1st line of sub-clause (b) of clause 10 for the word—"madical" read "medical".

## Page No. 85

In clause 11 for the word "indenfyng" read "identifying".

## Page No. 89

In 2nd line of single asterik marked in footnote below clause 22—

For the word "exempted" read "exempted" and for the word "furnise" read "furnish"

In 2nd line of the NOTE for the word "indicate" read "indicated"

## Page No. 90

In 2nd line of clause 2 of the NOTE for the word "beea" read "been"

## Page No. 91

In clause 5 for the word "sanctionen" read "sanctioned"

In clause 11 for the word "grutaity" read "gratuity"

In clause 4 of PART IV for the word "then" read "than"

## Page No. 92

Again 1st line of sub-clause (1) to clause 3(b) for "Good/Fair Indifferent/Bad" read "Good/Fair Indifferent/Bad".

In 1st line below clause 4 for the word "Signatnre" read "Signature"

## Page No. 93

In 1st line of sub-clause (f) for the word "servive" read "service"

## Page No. 94

In 1st line of

Page No. 104

In 1st line of sub-clause (ii) of clause 7 for the word "gurdian" read "guardian"

Page No. 105

In 2nd line of NOTE 1 for the word "pragana" read "paragana"

Page No. 106

After sub-clause (ii) of clause 18 for (ili) read (iii)

Page No. 109

In the 10th line of Para. 2 of Part III after issued to for the word "lhe" read "the"

Page No. 112

Column 3 of Para. 2 in the column heading for "Son Dlaughter" read "Son/Daughter"

Page No. 113

In 2nd line of clause 4 for the word "famil" read "family"

Page No. 114

In 4th line of 1st Para. for the word "tanable" read "tenable"

In 2nd line of clause 2 for the word "re-marrid" read "re-married"

Page No. 115

In 1st line of clause No. 7 for the word "onclosed" read "enclosed"

Page No. 117

In 9th line of 1st Para. for the word "successers" read "successors"

Page No. 118

In 1st line of clause (d) of NOTE I for the word "manes" read "names"