

No. 26987—Pen-43/95-F.

FINANCE DEPARTMENT
OFFICE MEMORANDUM

The 5th July 1995

The undersigned is directed to say that according to rule 39 of the O. C. S. (Pension) Rules, 1992 invalid pension may be granted by the pension sanctioning authority if a Government servant retires from the service on account of bodily or mental infirmity which permanently incapacitates him for further service. Doubts have however been raised in some quarters whether permission of higher authority will be necessary for the appointing authority while allowing a Government servant to retire on ground of invalidation as laid down on the Note below rule 18(2) in Leave Procedure Rules of Appendix 13 of Orissa Service Code for grant of leave.

For the purpose of removal of doubt it is hereby clarified that a competent authority has been defined in Leave Procedure Rules of Appendix-13 vide Note under Rule 18 (2) (b) of the said Rules for grant of leave only. Acceptance of notice from individual Government servant for retirement and issue of the retirement order on invalidation ground are not same as grant of leave by the competent authority prescribed to do so under Note to rule 18 (2) (b) of Appendix-13 of Orissa Service Code. In other words appointing authority being the same in terms of the Pension Sanctioning Authority in terms of rule 2 (q) of O. C. S. (Pension) Rules, 1992 is only competent to accept notice from individual Government servant for retirement on invalidation without requiring prior permission of any higher authority.

R. K. DAS

Additional Secretary to Government

No. 26990—Pen-2/95-F.

FINANCE DEPARTMENT
OFFICE MEMORANDUM

The 5th July 1995

Subject—Grant of family pension and D. C. R. G. to the family members in the event of disappearance and condoning/missing of the Government servant/Pensioner.

In Finance Department Memo. No. 56895/F., dated the 30th November 1987 instructions were issued enunciating the manner in which family pension and D. C. R. G. shall be payable to the family members of the disappeared Government servant. Similar set of instructions were also issued in Finance Department No. 6424, dated the 14th March 1990 for payment of Family Pension and D. C. R. G. to the family members of the pensioner due to disappearance. In course of time both the sets of instructions got their statutory cover under rule 56 (19) and 56 (20) of O. C. S. (Pension) Rules, 1992 which came into force with effect from the 1st April 1992. The Office Memoranda, dated the 30th November 1987 and the 14th March 1990 referred to above were also effective from the date of issue in regulating the benefits of family pension and D. C. R. G. Doubts have however cropped up in certain quarters as to how and from which date (s) such benefits shall be payable in the cases of disappearance occurred prior to the 30th January 1987 and the 14th March 1990.

2. After careful consideration of the matter Government have been pleased to indicate the following clarifications for guidance of all concerned.

Sl. No.	Points of doubt	Clarification
(1)	(2)	(3)
(i)	Whether past cases of disappearance shall be regulated under O. M. No. 56895, dated the 30th November 1987 and No. 6424, dated the 14th March 1990 ?	Cases of disappearance which occurred prior to the 30th November 1987 and the 14th March 1990 shall be regulated under the F. D. O. M. No. 56895, dated the 30th November 1987 and No. 6424, dated the 14th March 1990 only where F. I. R. has been lodged with the nearest police station.