

## FINANCE DEPARTMENT

## OFFICE MEMORANDUM

No. 39590—Pen-83/90.-F.

The 24th November 1990

Subject—Payment of gratuity in respect of cases where departmental and judicial proceedings are pending.

According to rule 11 of O. P. R. 1977 where departmental or judicial proceedings under Rule 10 or where a departmental proceedings is instituted under Clause (a) of the proviso thereto against a Government servant who are retired on attaining the age of compulsory retirement or otherwise, the officer concerned is to be paid 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 D.C.R.G. is to be paid to him until conclusion of such proceedings. Departmental/Judicial proceedings are instituted under Rule 10 of O.P.R. 1977 where a pensioner appears to be guilty of grave misconduct warranting imposition of a major penalty. Proceedings are also initiated for loss of Government money. In these cases the pension sanctioning authority should not release gratuity until conclusion of the proceeding.

However, if departmental proceedings are instituted under Rule 16 of the O. C. S. (C. C. A. Rule, 1962) for imposing any of the penalties specified in Clause (i), (ii), (iii) and (iii-A) of Rule 13 of the said Rules, then the payment of gratuity need not be held up and be released and paid to the Government servant. It may so happen that for the same offence departmental and judicial proceedings run concurrently, in such cases if the judicial proceeding has been finalised, the competent authority should take a final decision on the departmental proceeding and finalise the same as early as possible for release of final pension and gratuity.

S. K. RATH

Joint Secretary to Government

## FINANCE DEPARTMENT

Memo. No. 2279(220)—Pen-46/89-F.,

The 22nd January 1991

To

All Departments of Government  
All Heads of Departments

Sub—Deposit Scheme for retiring Government Employees.

The undersigned is directed to send herewith a copy of the Government of India, Ministry of Finance (Department of Economic Affairs) Notification No. F/2/14/89-N. S. II, dated the 10th August 1989 on the subject noted above containing the amendments made in the deposit scheme for retiring Government employees by the Government of India for information and necessary action in continuation of this Department O. M. No. 26791, dated the 3rd August 1990.

S. K. RATH

Joint Secretary to Government