

Notes:

- (1) This Regulation is intended to obviate delay in the settlement of claims for pension and to ensure that an employee may not retire under the misapprehension that he has earned a pension which is subsequently found to be inadmissible. There is indeed no limitation on the period after retirement within which an application for pension or gratuity must be submitted; but in the absence of special orders, a pension applied for after the employee has retired begins from the date of application. (See also Regulation 53).
- (2) If the employee is himself the Head of the Department, he shall submit the application in Form 'F' direct to the Chief Accountant, no formal application in Form 'E' being necessary.

48. (1) The Head of the Department receiving a formal application under Regulation 47 shall immediately draw up an application in Form 'F'. Even where the formal application has not been received, the Head of the Department shall draw up the application in Form 'F' as soon as it becomes known that an employee is due to retire within one year and shall not delay it till the employee has actually submitted the formal application for pension. In the latter case, entries against items 16, 19, 20, 21 and 22 on Form 'F' shall not be filled in at the initial stage. The relevant entries shall be made soon after the formal application is received. However, if by the time the formal application is received, the application in Form 'F' has already been sent to the Chief Accountant, the formal application shall immediately be forwarded to the Chief Accountant who will complete the necessary entries against items 16, 19, 20, 21 and 22.

(2) The Head of the Department shall certify on the form whether the character, conduct and past services of the applicant are such as to entitle him to the favourable consideration of the sanctioning authority. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

Note: In the case of an application in respect of a Head of Department these particulars (item No.24 of the Form) shall be filled in by the Chairman at the time of submitting the application for the Board's sanction.

(3) All periods of extraordinary leave, suspension, etc., which are not reckoned as service should be carefully recorded on the form.

(4) If the application is for an invalid pension, the requisite medical certificate shall be attached to the application.

49. (1) After completing the application in the manner prescribed in the preceding Regulation, it shall be forwarded along with the necessary documents to the Chief Accountant with a forwarding letter in Form 'G'.

(2) The Chief Accountant on receipt of the application shall apply the necessary checks and record his audit endorsement in Part II of Form 'F', showing (i) the total period of qualifying service which has been accepted after verification with reference to the employee's enlistment card and/or the service sheet and, if necessary, with reference to the paysheets, if available in his office and/or the original records available with the Department in which the employee is or was employed, and (ii) the amount and the date from which pension and/or gratuity are admissible.

(3) After recording his audit endorsement as in the foregoing sub-regulation, the Chief Accountant shall submit the application to the authorities specified below for sanction --

(a) in the case of applicants who held immediately before retirement or are holding posts maximum of whose scale of pay exclusive of allowance is less than one thousand Rupees - the Chairman, and

(b) in all other cases - the Trustees.

50. The Chief Accountant, on receipt of the sanction to the grant of pension and/or gratuity shall prepare the pension payment order on the basis of the orders of the pension sanctioning authority, but shall not issue it more than a fortnight in advance of the date on which the employee is due to retire.

51. (1) Should the amount of pension granted to an employee be afterwards found to be in excess of that to which he is entitled under these Regulations, he shall be called upon by the Chief Accountant to refund such excess. For this purpose, the employee concerned shall be served with a notice by the Chief Accountant requiring him to refund the excess payments within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice the Chief Accountant shall order that such excess payment shall be adjusted by short payment of pension in future, in one or more instalments, as the Chief Accountant may, in his absolute discretion, order.

Note: The provisions of the above sub-regulation are applicable to the grant of family pension as well.

(2) If, after the pension application in Form 'F' has been forwarded to the Chief Accountant, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Chief Accountant by the Head of the Department. If no such event occurs, a report to that effect, together with a certificate as to the satisfactory nature of the service rendered by the employee after the pension application was originally forwarded, shall be sent to the Chief Accountant within a week from the date on which the employee retires.

52. The pension sanctioning authority may order the withholding of the death-cum-retirement gratuity either in whole or in part until the employee in occupation of the Post Trust quarters vacates the same.

Section X - Payment of Pensions

55. Apart from special orders, a pension is payable from the date on which the pensioner ceased to be borne on the establishment, or the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The Regulation may be relaxed, in this particular, by the authority sanctioning the pension when the delay is satisfactorily explained.

1/54. All pensions and service gratuity and death-cum-retirement gratuity shall be payable in Rupees at the office of the Chief Accountant or at the request and cost of the pensioner and subject to the provisions of regulation 58 and subject further to such conditions as the Chief Accountant may prescribe in this regard, at any place in India either by Postal Money Order or by Registered Insured Post or by cheque.

Provided that, where the amount of the monthly pension (other than service gratuity and death-cum-retirement gratuity) does not exceed such amount as may be prescribed by the Chief Accountant from time to time, with the approval of the Chairman, the money order commission charges may be borne by the Board where the amount of monthly pension is remitted by Postal Money Order.]

55. A service gratuity or death-cum-retirement gratuity is payable in a single sum.

56. A pension is payable monthly on and after the first day of the following month.

1 Substituted by TR No.425 dated 28th December 1976 and MOST's Notification No.FSE-3/77 dated 19th May 1978 (Effective from 3rd June, 1978).

57. Pension is payable for the day on which the pensioner dies.

58. Subject to the provision of Regulation 54, a pensioner must, as a rule, take payment in person after necessary identification.

Provided that the Chief Accountant may upon such conditions as he may, from time to time, impose exempt (1) any pensioner or class of pensioners, (2) a female pensioner not accustomed to appear in public and (3) any pensioner who is unable to appear in consequence of bodily illness or infirmity from personal appearance, upon production of a life certificate signed by an authority prescribed by him (Chief Accountant).

59. (a) On the death of a pensioner, payment of any arrears of pension actually due may be made to his heirs.

Note: The arrears of pension of a deceased employee 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 Chief Accountant after such enquiry into the rights and title of the claimants as may be deemed sufficient by the Chief Accountant. Any excess above Rs.500 may similarly be paid by the Chief Accountant on execution of an indemnity bond with such sureties as the Chief Accountant may require, if he is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration. In any case of doubt, payment should be made only to the person producing legal authority.

(b) Except as provided in these Regulations, if an employee dies before actually retiring or being discharged, his heirs have no claim to anything in respect of his pension.

Section XI - Commutation of Pension

60. An employee shall be entitled to commute for a lump sum payment any portion, not exceeding one-third of any pension which has been or may be granted to him under these Regulations. But any such commutation shall be subject to the condition that the uncommuted residue of the pension shall not be less than Rs.240 per annum.

Provided that an employee against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Regulation 3 shall not be permitted to commute any part of his pension during the pendency of such proceedings.

^{1/} Provided further the the compassionate allowance granted under Regulation 30(a) shall be treated as pension for the purpose of commutation under these Regulations.

Provision of comm. Payment to medical exam. (Sub rule (ii) of Rule 18 of 1981) - Commutation is subject to medical exam. (Sub rule (ii) of Rule 18 of 1981)

61. (1) On receipt of an application for commutation the sanctioning authority shall accord its administrative approval and the Chief Accountant shall transmit to the applicant a copy of his certificate of the lump sum payable on commutation in the event of his being reported by the medical authority prescribed in Regulation 70 to be a fit subject for commutation and shall, at the same time, instruct him to appear for examination, before the said medical authority within three months from the date of the administrative approval or if he has applied for commutation in advance of the date of his retirement, within three months of that date, but in no case earlier than the actual date of retirement. The administrative sanction to commutation, shall lapse if the medical examination does not take place within the period prescribed above. If the applicant does not appear for

¹ Substituted by T.R.No.138 dated 8th May 1979 and MOST's Notification No.FEB-55/79 dated 6th November 1979. (Effective from 17th November 1979).

examination before the said medical authority within the prescribed period the sanctioning authority may, at his 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 despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before the medical authority.

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 by written notice despatched within 2 weeks from the date on which he receives intimation of the revised sum payable on commutation, or, if this sum is already stated in the sanctioning order, within 2 weeks from the date on which he receives intimation of the finding 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.

Note: An employee retiring from service on or after 1-1-1979 and applying for commutation of pension after the date of retirement but before completion of one year from the date of his retirement on superannuation will not be subjected to medical examination. The commutation of pension, in such cases, shall become absolute on the date of receipt of the application by the Chief Accountant. An employee, who has applied for commutation of pension under the provisions of this Note will have no option to withdraw his application.]

(2) Subject to the provisions contained in sub-regulation (3) and to the withdrawal of an application under the proviso to sub-regulation (1) of this Regulation, the commutation shall become absolute, that is, the title to receive the commuted portion of the

1 Inserted by T.R.No.266 dated 23rd September 1980 and MOST's Notification No.FEB-52/79 dated 30-9-1981 (Effective from 1-1-1979 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

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 the 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 were paid on the date on which commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable on commutation.

(3) If the applicant makes any statement found to be false (within his knowledge) or wilfully suppresses any material fact in answer to any question, written or oral, put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made and such a statement or suppression may be treated as grave misconduct for the purpose of Regulation 7.

Notes:

(1) A pensioner applying for a commutation, who has once been rejected on the recommendation of the 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 allowed to present himself once more subsequently for medical examination with a view to the revision of the original finding, at his own cost, provided that --

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

(ii) the second examination shall invariably be by a Medical Board referred to in Regulation 70.

- (2) If a pensioner, whose age for the purpose of commutation of pension has been directed by the medical authority to be taken as greater than his actual age, makes a request within the period prescribed in the proviso to sub-regulation (1) above that the amount to be commuted may be reduced, such a request is tantamount to a withdrawal of his application and should be treated as a new application for commutation.

62. The lump sum payable on commutation shall be calculated in accordance with a table of present values which shall be prescribed by the Government of India from time to time under the Civil Pensions (Commutation) Rules. For the purposes of this Regulation the 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 an 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 modified table, but it shall be open to the applicant if the table so modified is less favourable to him than the table before it was so modified to withdraw his application by notice in writing sent within 14 days of the date on which he receives notice of the modification.

Note: For the purposes of this Regulation, any changes made by the Government of India in the table of present values shall be deemed to have effect only from the date on which such changes are tabled for the Board's information. (The table of present values now in force is reproduced in Annexure 'B'.)

63. If the pensioner dies on or after the day on which commutation became absolute but before receiving the commutation value, this value shall be paid to his heirs.

64. The authority competent to sanction commutation of pension in the case of employees, who at the time of retirement from the Trustees' service are or were holding posts, the maximum of whose scale of pay exclusive of allowance is less than one thousand rupees is the Chairman and in every other case the Trustees.)

65. An application for commutation of pension ^{after retirement} should be made in Part I of Form 'H' appended to these Regulations accompanied by two passport size photographs (one duly attested and pasted on the application itself at the appropriate place provided for the purpose and the other without attestation and loosely attached to the application form) and addressed to the Chairman through: --

(1) if the applicant is still in service or has retired but his pension has not yet been sanctioned, the Head of the Department in which he is or was employed;

(2) in all other cases, the Chief Accountant. *P.A. G. G. G.*

66. The Head of the Department on receipt of the application under sub-regulation (1) of regulation 65 above should transmit it forthwith to the Chief Accountant.

67. The Chief Accountant should complete Part II of Form 'H' without delay and submit it, together with copies of the medical reports or statements of the case, if the applicant has been granted an invalid pension, or has previously commuted any portion of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds to the authority competent to accord administrative sanction to the commutation of the pension.

68. On receipt of the requisite sanction the Chief Accountant should --